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T H R E E
L E T T E R S
R E L A T I N G T O T H E
N A V Y, G I B R A L T A R,
A N D
P O R T M A H O N.

Wrote in the Years 1747, and 1748.

But now first published;

Being very applicable to the present Time.

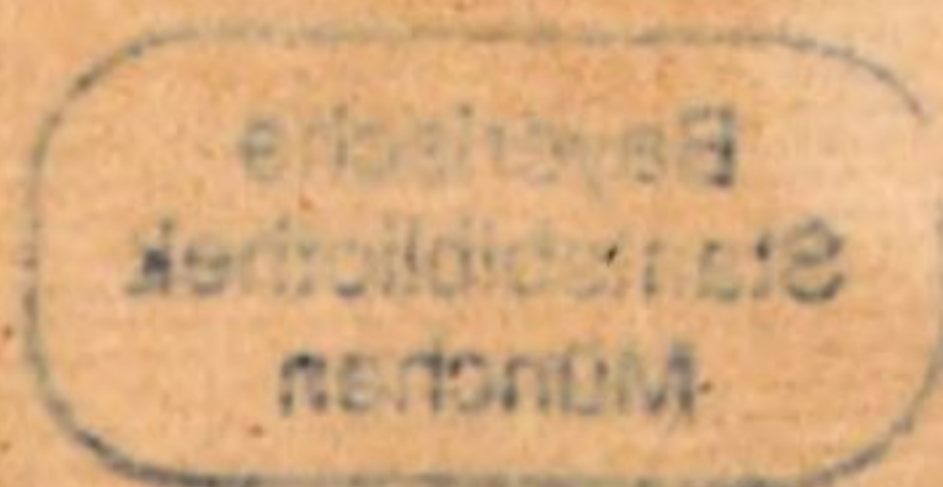
If an extraordinary Liberty is assumed in these Letters,
vouchsafe, BRITONS, to hear these Truths which are
mentioned only for your good. DEMOST. 3 Olyn.

L O N D O N:

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THREE
LETTERS
RELATING TO THE
NAVY, GIBRALTAR,
AND
PORTSMOUTH.

Written in the Years 1747, and 1748.
But now first published;
Being very applicable to the present Time.
If an extraordinary Liberty is allowed in these Letters,
vouchsafe, Britons, to bear these Truths which are
mentioned only for your Good. Demost. 3 Olyn.

LONDON:
Printed for S. Blandon, in Pall-Mall-Row.
MDCCLVII.
Price 2s. 6d.



P R E F A C E

T O T H E R E A D E R .

TH E S E letters were wrote in the years 1747, and 1748, at the request of a very worthy member of the house of commons, who was desirous of being informed about some things, relating to the Navy, and to Gibraltar, and Minorca. As they were designed for his perusal only, there is a negligence in the stile, and a liberty of thought and digression, which would have been avoided, had they been originally intended for the public. However with all their faults, they are now published for reasons too obvious to every reader: if there are any useful hints offered, which may be improved by those in power to the benefit of
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their country, this is all the author desires, and the best and the only excuse he can make to the public.

A war begun, and carried on without vigour or foresight, and fleets fighting without courage or resolution, are circumstances but too similar with those, mentioned in the letters; but, as the faults lately committed somewhere, are more notorious and enormous than any in the late wars, so the consequences have already been more fatal, and will still be more so, unless prevented by a very different conduct both in the minister, and the officer.

Whoever reflects upon the fatal events, which this year has produced, cannot blame that ardour and impatience, which the people of England express for a strict enquiry to be made into the causes of those losses, and that disgrace, which this nation has sustained, after the most large and liberal supplies had cheerfully been granted for carrying on the war with vigour.

The fortune of war is uncertain; and, if our losses be only owing to the uncertainty of all human things, we must acquiesce with that submission to providence, which becomes frail dependent beings; but, if they are owing to treachery, or folly and inattention
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at home, and cowardice abroad, then we shall be wanting to ourselves, and necessary to our own ruin, if we do not, in the best manner we can, guard against the continuance of our misfortunes for the future.

The nation have reason to hope, that they, who preside, will gratify their expectations both from a sense of their duty to their king and country, and from the prudence and necessity of the thing. If the war is not carried on with vigour, our ruin is unavoidable; and to carry it on as it ought, will require such immense sums, that it cannot be expected, that the people will submit with patience to that grievous load of taxes, which must be imposed upon them, if the ministry do not give them this mark of their integrity and good intention; this will secure them the confidence of the people, and free them from the imputation of their being desirous of power only to procure to themselves and their relations honour and wealth, and not for the public good; this will give the people hopes of better success for the time to come; as they will have a prospect of wiser measures being taken in the cabinet, and greater resolution and valour being exerted in the field and in the fleet.

Indeed some methods have been lately used to perplex and confound the people. Mr. B— accuses the late M—y, and the late M—y Mr. B—; but it is to be hoped, that the nation will not suffer themselves to be so perplexed by this, as to lose the pursuit of the real criminals, whoever they are. There are at least such appearances of guilt in both, that whoever is innocent, must wish for a strict enquiry, that his innocence may appear—and it is the duty and the interest of the minister, and of the nation to detect the guilty, that they may be punished, and their punishment be a terror and warning to others.

Two enquiries are to be made, which are perfectly distinct and independent of each other. The first is, why the security of Minorca was not sooner attended to, and not only a reinforcement sufficient for the defence of it, but likewise a fleet strong enough to prevent its being attacked, sent to the Mediterranean. The second is, whether admiral B—when he was there, did his duty in the engagement, and afterwards used all the means he could to reinforce the place.

Minorca is at such a distance from England, and so near the French coast, that, as
soon

soon as we began to take the French ships, it was very natural to expect, that the French would endeavour to dispossess us of it, if there was any probability of succeeding. Considering then the length of the navigation from hence to that place, and the uncertainty of the sea, prudence surely required an immediate reinforcement to be sent to the garrison, especially as the M—y could not but know, that the regiments there, if full and complete, were much too weak to defend the place, and that many of their officers were absent from their posts; and that no assistance was to be expected from the inhabitants, but the contrary.

It is very probable, that the French threatened an invasion of England, without fully intending it, only to alarm us, and oblige us to keep our ships at home; nay 'tis possible that if we had weakened our fleet too much by sending large squadrons to America, they might have put their threats in execution, and actually made a descent here, which it was the duty of our ministry to prevent, or provide against; but this could be no objection against sending a strong fleet to the Mediterranean; for, if our whole fleet be superior to that of the French as four to three (and I believe it is superior in

a greater proportion than that) then if twenty five, or twenty sail of the line had been sent to block up twenty or sixteen sail of the French at Toulon, it is evident to a demonstration, that we should still have preserved our superiority here, even in a greater degree, than we have in the whole.

When our ships cruize off Brest, or any of the French ports in the channel, they may by the weather be driven away, and the French have it in their power to sail out unmolested by us; but our squadron might have lain in Hieres Bay in perfect security, which is so near Toulon, that it would have been impossible for the French fleet there to have sailed out without their knowledge, either to attack Minorca, or to go away privately to America; and our ships might easily have been supplied with fresh provisions from Italy or Sardinia, and two at a time gone to Minorca to be cleaned, so that not a ship there need have been more than nine or ten months without cleaning; a few cruizers then would have made us masters of the Mediterranean, and not only protected our own trade there, but destroyed the French.

And, as our fleet was sent too late, so was it likewise too weak for the purpose. When
such

such a valuable place, as Minorca, was at stake, as little was to be left to chance, as possible; it could not be depended upon, that Commodore Edgecombe would join Mr. Byng; the French admiral might very probably have prevented it, and without that junction, Mr. B—— would have been too weak indeed, and the fault would have been imputed to the M——y only. They could not be ignorant of the weakness of the garrison of Minorca, nor of the advantages of Hieres Bay, and the conveniency it afforded for a fleet's lying there in safety from the winds; one would think too, that they might have known the number of ships at Toulon: That therefore, Minorca was not more timely and more powerfully succoured, seems to carry in it too strong an appearance of treachery and corruption, or at least, a shameful neglect at home. And the manner, in which the intelligence of the French landing there, was received in England, gives too plausible an appearance to this presumption. Every body immediately gave the island over for lost; not one of the ministry offered to say, that any care had been taken for its security; and General Blakeney's holding out so long, seemed to be, what they did not expect.

Some indeed say, that it is absurd to suppose that any of our M——y could be guilty of corruption or treachery, because it was their interest to be faithful to their king and country, who reward their servants so munificently, that they need not seek for rewards elsewhere. I shall very readily allow, that the real interest of a minister is the same with that of his country; but real interest and apparent are not always the same, and it is too common a thing to prefer appearances to reality. When we are told that Count Bruhl, prime minister to the King of Poland, Elector of Saxony, is a pensioner of France, we do not scruple believing it; tho' it may be supposed that his master pays him so well, that it is both his duty and interest to be faithful. And, when we read in Burnet or Eachard, that a cabal sold themselves to the French king, in Charles the II'd's time, we give credit to the historians, without seeing any absurdity in their assertion. And, if a strict enquiry be not made here, to demonstrate what were the real causes of this shameful neglect, whatever the present age may do, posterity will probably believe, that Minorca was lost by the influence of French gold, or the most amazing series of negligence. But whatever oversights or faults might have been committed

ted at home; whatever might be the causes of these faults, Admiral B——'s conduct may not be justified. It is then to be enquired, how he behaved, when he got there, and whether he did all in his power to destroy the enemy, and relieve the place.

Both he, and general Fowke seem to have acted upon the same presumption, that they did in England, that Minorca must be immediately lost, and that any succours thrown into it, if that were practicable, would not preserve the place, but add to the loss, and therefore the troops intended, or said to be intended, to be sent from Gibraltar, were refused: the fact has shewn, that this opinion was wrong, and that succours timely landed would have saved the place.

Mr. B——'s apologists have given a very circumstantial account of his prudent behaviour and zeal to succor the garrison till the 18th or 19th of May, ' that he wrote a letter to
' Mr. Blakeney, to let him know, that he was
' arriv'd to assist him, if possible, and to receive his directions how to do it effectually,
' and sent it by captain Harvey, but was
' obliged to make the signal for recalling him,
' before the letter was delivered, by the sight
' of the French fleet.' But they give us no
satisf-

satisfactory account of his behaviour in the action, or after it.

Mr. B—— says, ‘ We may justly claim the victory’ And what use did he make of that victory? — Why, to go back again to Gibraltar, and to have the PLEASURE of telling Mr. C——d, that he left Minorca upon the point of being taken without endeavouring to throw any succors into it. Strange use of a victory! Conquerors usually pursue the conquered—— But that would have been to no purpose; for they failed three feet to his one, therefore they could have got away from him.—— They might perhaps; but St. Philip’s castle could not have failed away; that ought to have been the object of his attention: then he ought to have endeavoured to have sent the letter to Mr. Blakeney, and have learned from him, who knew the state of the place, whether it was practicable to land any succors, rather than from a council of war, who delivered their opinion upon uncertain reports. But Mr. B—— says, two of his ships were so much damaged, that they could not at sea be made fit for another engagement. But is it not reasonable to suppose, that since the enemy retired, and left the victory to us, they had sustained as much damage as we had? they had no harbour to retire into, any more than
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we had, and consequently laboured under the same disadvantages in refitting. But Mr. B——'s Apologist tells you, the French fleet was greatly superior, if not in number of ships, yet, at least, in number of men and weight of metal, and gives you a dreadful account of the force of their balls, and the horrid mischief they can do, more than the English balls. The account he gives is false, both as to the number of guns, and the proportion of the balls. Without entering into speculation, let us examine the fact, as it really was. Part, and only part, of our squadron engaged the enemy, and made them retire: It would seem then, that our balls did at least as much execution as theirs did. Mr. B——'s ship, as he says, was engaged with the Foudroyant, the dreadful Foudroyant! and what damage did he sustain? not a man either killed or wounded. He certainly then did not engage, as a British admiral ought; —perhaps he could not; that is the point to be cleared.

One of Mr. B——'s advocates gives us the determination of a council of war, upon their being called to give their opinion upon several queries. I am told it was a maxim of Sir George Byng (whose opinion and example, it were to be wished, had had more force with
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the Admiral, that no general, who had a mind to fight, should call a council of war; but, if he wanted an excuse to avoid fighting, then he should call one. I have seen the same maxim in several military writers. I shall not examine into the reason of it, but only say, that history furnishes abundance of instances of the truth of it. Mr. B—— took this method, and shelters himself with their determination for his ignominious return to Gibraltar. But, perhaps, it may not be so good a justification, as he imagines: All opinions of a council must be founded upon the representation of things, that occasion the questions proposed; if false representations be given, very wrong determinations may be made. Let us examine them particularly.

I. Whether an attack upon the French fleet gives any prospect of relieving Minorca?

Unanimously agreed, that it would not.

II. Whether, if there was no French fleet cruising off Minorca, the English fleet could raise the siege?

Unanimously of opinion, that the fleet could not.

III. Whether Gibraltar would not be in danger by any accident, that might befall this fleet?

Unanimously agreed, that it would be in danger.

IV.

IV. Whether an attack with our fleet in the present state of it upon that of the French will not endanger the safety of Gibraltar, and expose the trade of the Mediterranean to great hazard?

Unanimously agreed, that it would.

V. Whether it is not most for his Majesty's service that the fleet should proceed immediately to Gibraltar?

We are unanimously of opinion, that the fleet should proceed immediately to Gibraltar.

This, reader, is the account Mr. B—'s apologist gives of the resolutions of this council. But, before the fault, if there be any, be charged upon so many, it would be but right to know, what influence was used, and what representations were made of things, to obtain these answers, which seem very extraordinary to people at a distance. I shall examine every query distinctly.

I. Whether an attack upon the French fleet gives any prospect of relieving Minorca?

Unanimously agreed, that it would not.

If this determination proceeded from the opinion of the engineers given under their hands, as mentioned by Mr. B—'s apologist, that it appeared to them extremely dangerous, if not impracticable, to throw succours into St. Philips, two questions are to be asked.

Whether the principal of those engineers did not change his opinion in that particular, after he left England? and if he did, what induced him to change his opinion? However, as they did not determine it to be absolutely impossible, it was surely worth while to attempt it, as Minorca was inevitably gone without succours.—There are many competent witnesses now in England who can tell, whether it was practicable to land any succours in Minorca, or not. If it was, an hasty determination of a council of war, procured perhaps upon a false representation, or by undue influence, will be no justification;—nor can it be thought a vindication of Mr. B—, if it proceeded from a bad opinion of his conduct*.

Q. II. Whether if there was no French fleet cruizing off Minorca, the English fleet could raise the siege?

Unanimously agreed, that the fleet could not.

Undoubtedly the fleet could not have forced the French army to have raised the siege directly; but, if by throwing succours into the garrison, General Blakeney would have been enabled to man the works, and allow his soldiers some respite from fatigue, the

* 'Tis probable it will appear, that tho' Mr. B--- had landed no succours, but had only prevented the French from landing any more troops, St. Philips would not have been taken.

French troops could never have taken it, and must at last, if we had been masters of the sea, have been made prisoners themselves.

Q. III. Whether Gibraltar would not be in danger by any accident, that might befall the fleet?

Unanimously agreed, that it would be in danger.

Minorca was in the most imminent danger, and the more valuable of the two, and therefore its relief to be attempted first. The French would not leave Minorca, before they had taken St. Philips, and then they would want transports, and a reinforcement of troops likewise, before they could attempt Gibraltar; and it would have been very strange indeed, if before they could do all these things, succours did not arrive from England. In fact they did arrive.

Q. IV. Whether an attack with our fleet in the present state of it, will not endanger the safety of Gibraltar, and expose the trade of the Mediterranean to great hazards?

Unanimously agreed, that it would.

The author of these letters has observed, that to palliate the cowardly behaviour of some in the fleet, the way of reasoning was, to consider the worst, that could possibly happen, then to conclude it certainly would happen,

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Pen, and to act accordingly: this is the way of reasoning here; but may it be for ever detested by all British Commanders for the future, may it prevail only among our enemies.

Mr. B—'s apologist quotes one of Mr. Fouquiere's maxims, that a General ought not to fight, if he can gain nothing by the victory; but here every thing concurred to urge him to fight at all events. In desperate cases desperate remedies must be applied. Minorca was upon the point of being lost. Nothing could save it, but throwing some succours into the place, nor could this be attempted, without beating the French fleet, which if done, the French army would not have been sufficient without further reinforcements to carry on the siege, which our victory at sea would have prevented; the French army themselves must have been made prisoners, and an attempt, which has now been too successful, would then have been looked upon as rash and ridiculous.

Indeed undue influence, false representations, and an unfair state of the case seem to have been used to obtain the council of war's determination. Permit me, candid reader, to propose another set of queries, which might not improperly have been offered,

ferred to the council of war, and would have set the thing in a very different light.

I. Whether Minorca would not be inevitably gone unless some succours were thrown into St. Philips?

II. Whether there be any possibility of doing this, but by beating the French fleet?

III. Whether it is not reasonable to suppose, that as the French retired before the English, their squadron was not at least as much damaged, as ours in the action?

IV. Whether, it might not be possible, if the French fleet was beaten, to throw some succours into the place, which would enable General Blakeney to hold out against a much greater force, than the French had in Minorca?

V. Whether, if the English squadron should be beaten, it might not reasonably be supposed, that at least one half of the French fleet would be so much damaged in the action, as to be obliged to return to Toulon to refit?

VI. Whether it could be supposed that the French would leave Minorca, to attack Gibraltar, before they had taken the castle of St. Philips; and when they had taken that, whether more men, ships of war, and transports would not be absolutely necessary, before

before they could make that attempt, and in the mean time whether a supply from England to Gibraltar, might not reasonably be depended upon?

VII. Whether the Mediterranean trade was likely to be most exposed by admiral B—'s continuing in the Mediterranean, or going out of it?

VIII. Whether in the desperate situation of things, it was not absolutely necessary for Admiral B— to run some hazard, and rather to attend to the immediate preservation of Mahon, than the remote danger of Gibraltar?

Which of the two sets of queries was the most proper to be laid before a council of war, and to put things in a true light, and what answer must have been given to them, is left to the judgment of the candid reader.

It may be thought that the Observations in the third letter relating to Minorca are now needless, as that place is unhappily lost; but, besides that it is to be hoped, that no peace will be made, unless the Island be restored to Britain, it is not in Minorca alone, that we have suffered by the neglects there mentioned. Nova Scotia was ceded to us by the treaty of Utrecht, at the same time that Minorca was, and we neglected there, as well

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as in Minorca, taking any methods to bring the French inhabitants over to the protestant religion, by which means they are still our implacable enemies, and desirous of nothing more, than shaking off our yoke, and returning to the obedience of their old Master. And that shameful neglect in our colonies of instructing their slaves in the Christian religion, founded upon false principles of law, as well as policy, will one day prove fatal to us. It is generally believed, that a slave, when baptized, becomes free; but I am well assured baptism will make no alteration in property, and yet I believe it would prove in the end much more profitable to the planters to make the Negroes good tenants, than to keep them in a state of cruel subjection; and one time or other we may be convinced that to keep men in a state of ignorance of true religion is not the way to continue our colonies in our possession.

The author is sensible, that many will laugh at him for recommending religion in all his letters, as the most powerful motive to inspire men with courage, integrity, and truth, and as an excellent instrument of government in the hands of a wise administration; but, if his opinion appear something singular now, he has all the wise legislatures
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of antiquity on his side, nor will he give it up for the jests of the scorner. He believes our affairs would prosper better, if both the senator and the people were more attentive to know, and to practise the will, and more zealous to promote the glory of that Being, who is the Lord of hosts, and gives the victory to whomsoever he pleases.



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LETTER I.

On the Reasons of the MISCONDUCT
and MISCARRIAGES of the NAVY.

Wrote in the Year 1747.

——Si quid novisti rectius istis
Candidus imperti.——
O cives, cives, quærenda Pecunia primum est
Virtus post Nummos.—— HOR.

LETTER I

TO THE

On the Relations of the Misconduct
and Miscellaneous of the Navy

men always highly esteemed by the people

and thought superior not only in skill, but

in courage and in all other respects

from which therefore they expected not only

protection from their enemies, but likewise

conduct and moral virtues

and independence of mind and action

to give rise to a true patriotism

and to a true sense of honor

and to a true love of country

and to a true sense of duty

and to a true sense of honor

S I R,

NOTHING has more surprized the British nation, than the behaviour of our navy, during the present war. The seamen were a body of men always highly esteemed by the people, and thought superior not only in skill, but in courage likewise, to all others in Europe; from them therefore they expected, not only protection from their enemies, but likewise conquest over them, and cherished, and carested them more than any other set of men; never denying them any encouragement, which a minister proposed, and often preventing, and even forcing the ministry to grant them greater rewards, than were designed.

But since the commencement of this war, instead of our fleets being successful and victorious over our enemy, we hear scarce of any thing but continual disgrace and infamy attending them. Almost every post brings

us some fresh account of the cowardly, or base, or blundering behaviour of our commanders. If we have not suffered a total defeat, one would almost be tempted to think, from what has happened, that it is rather owing to the necessary and unavoidable engagements, our enemies lay under to exert themselves by land, which have disabled them from making any great efforts at sea, than to our own courage and conduct*. Tho' our navy be superior to the united fleets of our enemies, yet we have no triumphs to boast of, but over their merchant ships; and even there they have had a more ample revenge, than, considering the number of our ships of war, might reasonably have been expected; for our captains have not always expressed as much ardor to protect their friends, for which they were to expect no reward but thanks, and perhaps a piece of plate, as to enrich themselves by the capture of a weak and defenceless enemy. How contemptible this behaviour has made

* This is not the case now; our enemies have no land war to carry on, no enemy to contend with, but us, and we may be sure they will exert their whole force against us; they are endeavouring all they can to embroil us with other nations also; if therefore the utmost care be not taken to keep treachery from the council, and cowards from the fleet by a strict enquiry, and upon detection exemplary punishment, our ruin is unavoidable.

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our fleet to the rest of Europe, may fairly be concluded from the late conduct of the King of Naples, and even of the little republic of Genoa, * whose territory being situated upon the sea coast, is all as it were within the reach of our cannon; who yet have joined our enemies in violation of treaties very lately concluded, and in defiance of our power. Some efforts indeed were made to punish the latter, but so weakly and unsuccessfully, that they only added to our shame, and their arrogance. 'Tis true the Austrians have since made them suffer severely; but we contributed so little to their success, that it redounds nothing to our credit, however we may have gained by it in point of interest.

And what is still more, tho' the misconduct of our commanders has been so frequent and notorious; tho' the nation has been so highly and justly exasperated; tho' the parliament, fully convinced, that there had been faults of the most scandalous and ignominious kind, interposed their authority, and addressed his majesty, that the persons among

* The Genoese, 'tis said, are now assisting our enemies; but considering the tyranny of their government, and the vicinity of their territories to the sea; it would not be a difficult matter for an able minister and brave commander to reduce their power very low indeed.

whom there certainly had been a most shameful behaviour upon a very important occasion, might be tried, in order that the offenders might be discovered, and brought to exemplary justice, that others might be deterred from the like scandalous conduct; tho' in pursuance of this address, a court martial was appointed, and the expectations of all men raised with the hopes of seeing the courage and discipline of the navy revived by a necessary and laudable severity; yet after a long, tedious, and chargeable prosecution, tho' none doubted that there had been great and shameful faults somewhere, none were capitally convicted; only a few were broke, and rendered incapable of the service, which, as they had already made their fortunes in it, was in reality neither any punishment to them, nor any reparation to the service they had so scandalously disgraced, nor satisfaction to a nation they had so grossly and sensibly injured.

When the nation failed of justice here in so solemn and conspicuous a trial, it is less to be wondered at, that only one offender, tho' many offenders there were, has been condemned to death, and that a poor, young, unexperienced lieutenant; but there are many, who to this day, wanton in the spoils taken from merchant ships, and are honoured with
com-

commands in a service, which they have endeavoured to render infamous by their cowardice and neglect, as if the members of court martials were conscious to themselves, that they would have acted in the same manner, had they been in the same circumstances with the accused, and could not condemn a behaviour in others, which they would have been guilty of themselves.

Men have from hence concluded, that it was equally vain either to expect courage in action, or justice on the bench from our captains, who seemed resolved neither to fight themselves, nor to punish those, that did not; (I speak of the opinion men had of the generality; for we have lately seen some instances of great bravery and honour, tho' it must be owned they are too rare) and upon this presumption, they have gone from one extreme to another, and instead of regarding the navy with affection and esteem, no proposals have lately been listened to with greater approbation, than such, as tend to lessen the pay, or fix marks of infamy and distrust upon sea officers in general --- such as trying delinquents at courts of common law --- or joining an equal number of captains of merchant men with captains of men of war in court martials; tho' the first of these, considering the intricacy of sea affairs,

and how ignorant lawyers must be of them, would render it almost impossible for the guilt of a cunning offender ever to be detected, and the other would be such a standing reproach upon the navy in general, that no man of spirit would continue in a service, thus branded with perpetual marks of ignominy and distrust, and both these expedients would in many cases be impracticable, and liable to many inconveniencies of the same kind with those they were intended to prevent, and to others of a yet more dangerous nature *.

But it is not by such methods as these, that the reputation of our fleet is to be recover'd; on the contrary, all that could be expected from them, would be, that they would reduce our fleet to the level of a Portuguese navy, which was once in as much reputation as that of any state in Europe, but now is held in the greatest contempt.

To recover the wonted glory of the navy, the utmost endeavours ought to be used to revive principles of honour and a spirit of emulation among the officers of the navy; and this is not to be done by methods, which

* These were the subjects of common discourse, when this letter was first wrote; but they don't deserve to be answered at large, their own absurdity is a sufficient answer.

fix marks of ignominy and distrust upon all the captains of the navy in general. I believe extraordinary severity is at this time necessary ; but let that severity be shewed to those only, who have deserved it. Others whose characters are hitherto clear and unspotted, should be treated by the publick with all those marks of respect, which their station, and the service they may do their country, may claim. I believe it ought to be a general maxim in all governments never to shew a distrust of any man, to whom they have committed any post of consequence ; and the military ought always to be careful to keep their honour and reputation un-
follied.

It ought to be remembered that a fleet, as it is the most natural, so it is of any human means the safest bulwarke that our nation can trust to for its defence. Strong garrisons and numerous armies are always burthensome to the place where they are, and too often prove fatal to the liberties of their country, which they ought to protect. And a regular militia may often prove rebellious and factious, of which Poland is a constant and pregnant instance.* But a fleet can neither be em-
ployed

* 'Tis true a militia may sometimes prove rebellious, but it very rarely happens, except when a ministry act contrary

ployed by an ambitious minister to destroy the liberties of the nation, nor by a faction to bring about a revolution ; it can only be formidable to foreign enemies, and no otherwise fatal to its country, but by cowardice, treachery, or neglect. So important and desirable a bulwark is not therefore to be passionately thrown down and despised ; but every proper method ought to be used to repair its breaches, and restore it to its ancient firmness and splendour.

It was my intention, Sir, at first, to have given you my sentiments upon every thing, which occurred to my observation concerning the navy—The hardships, abuses, deficiencies incident to the service, and to point out, what appeared to me the most likely way to remedy what was amiss, and supply what was wanting ; and tho' I am firmly persuaded that many better schemes may be laid down by much abler hands, yet if any useful hint can be given to them, whose duty and station it is to watch, and provide for the public safety, that, and the integrity of the intention, will, I hope, atone in some mea-

trary to the interest and honour of their country ; and a ministry, who oppose the establishment of a regular militia, may very justly be suspected of having views very contrary to the public interest, or at least to the general inclinations of the people.

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sure for the imperfectness of the performance. In a country like England every one has the privilege of proposing, whatever he thinks will be of advantage to the publick, and 'tis the part of the legislature to choose out of the various methods, which are offered, whatever in any of them appears to be the most practicable and conducive to the common safety and welfare.

But I find this would be much longer, than I imagined; that I may not be too tedious, I shall contract my first design, and only give you my opinion, what have been the principal causes of the scandalous behaviour of too many of our commanders lately, and what will be the best way to prevent the like for the future, and restore our navy to its ancient reputation. Whether I shall afterwards proceed any farther, will depend upon your opinion of the usefulness of this.

One cause, which has generally been assigned, is the great force that parliamentary interest has in the promotions in the navy. This, I believe, has been carried too far, and sometimes done hurt, but I can by no means allow it to be so fatal, as some have said; nor indeed is the force of interest at any time or in any country, or under any form of government to be entirely prevented.

ed. Men of large property, and in eminent stations must, and ought to have a superior influence in the country, whose welfare they are so eminently concerned in, and for whose defence they contribute so largely. Nor is there any reason to suppose, that their children or relations are more likely to want understanding, courage, and integrity, than others, who are of a meaner birth, or less considerable interest. *Cæteris paribus*, they ought therefore certainly to be preferred to others, and to prevent such a preference from being detrimental to the public; all that is necessary, is only to take notice of extraordinary merit wherever 'tis found, that the meanest may see, if they excel, they will surely be rewarded;—to lay down some rules never to be varied from, by which every person, before he is capable of having a command, shall be obliged to have served so long and constantly, that it may reasonably be supposed, he cannot be entirely ignorant of his duty, nor unfit for the station, to which he is promoted—and always to punish with exemplary severity, without the least regard to birth or interest, all who are guilty of cowardice, egregious ignorance, or tyranny. 'Tis not so much the preferring officers by parliamentary interest, as screening offenders, that will hurt the public. But a
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very fatal cause of the misconduct of many of our commanders was, the cautious manner of waging war, that was used in the beginning of it. You will not, Sir, expect, that I should clearly prove, what I am now going to assert, but I am fully convinced myself (and have reasons for being so, which it is not proper for me to mention) that there were restraining orders sent to some of our commanders at first, and that obedience to these orders cost one of the bravest admirals, that ever commanded a British fleet, more than his life, his reason. What were the motives of sending such orders, does not become me to say ; whatever they were, they were such, as could not be made public, and therefore to justify so extraordinary, and unexpected a behaviour, the friends of the admiral, and of the ministry urged the importance of the fleet — the ill consequences, that would happen to the nation, if it should be destroyed — the necessity there was of taking care of the king's ships — and many other such arguments, as if men of war were fitted out, armed, and manned so well, for no other reason, but only to make a fine figure, and keep out of harms way for fear their gildings and carved work should be damaged, and not to enable them to attack and destroy
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the enemy. These weak arguments did not indeed satisfy the brave unfortunate admiral; he never enjoyed himself after his fatal obedience, and to the loss of a glorious opportunity of attacking and probably defeating an enemy, added another, which in the event has proved to his country at least as fatal, which was the loss of himself. Had not his reason been impaired by a nice sense of honour, he probably would have commanded at the battle of Toulon; and tho' the battle is not always to the strong, yet humanly speaking, there would have been shewn another sort of conduct in the admiral, and a different behaviour in most of the captains, which (still humanly speaking) would have been crowned with a very different issue, from what then happened. But, what was suggested at first out of friendship or interest, coinciding likewise with their fear, from being plausible, appeared at last to many solid, and became the real opinion of their hearts. They considered every thing that might possibly happen against them, then supposed it really would happen, and conducted themselves accordingly. And, as our commanders grew more fearful than usual, our enemies of course grew more courageous, and began to despise that force, which before they dreaded.

I will not take upon me to say, that the ministry foresaw, much less designed such a thing; but I aver that it was in fact the consequence of the measures pursued and maxims propagated at that time, and ought to be a perpetual warning to all ministers, never to wage war in jest. Great care ought to be taken, before a war is declared, not only that it be just, but that not having been able to get redress otherwise, it be also necessary; but when once it is declared, it ought to be pursued with vigour, which is the most likely way to obtain both a speedy and honorable peace; if they act otherwise, they must advance and cherish maxims, which, when once they have taken root, are not to be destroyed when they please, but will still remain, when their system of politics is changed, and the reason of their mysterious conduct, whatever the reason was, is ceased, and they wish the war to be carried on with vigour. To extinguish the effects of these fatal maxims, it ought to be strongly inculcated, that one resolute man will always get the better of two, who are wavering and fearful—That a determined and sedate courage is the most likely way to shun death and danger, since it surprizes an enemy, and often brings not only safety, but conquest; whereas flight can only pro-
long

long life for a few days to end it at last with ignominy on a scaffold ; but to give this reflection force is the duty of court-martials.

The courage of our common seamen is hitherto generally unsuspected ; however I am afraid that some maxims favoured by their betters, have made an impression even upon many of them. I am sure nothing that will confirm or improve their bravery ought to be neglected. But perhaps you will laugh at one method I am going to propose to do this, which is that one or two gentlemen of genius should be employed to write in a familiar and easy stile, songs upon some of the most celebrated actions of the seamen, interspersing them with sentiments of piety, virtue, and humanity, which, whatever a corrupted world may think, are the most likely means to inspire men with true courage to obtain, and moderation to use a victory : that these songs be set to easy, but martial tunes, and singing them be encouraged in the fleet as much as possible. This may seem below the notice of a statesman, or the study of a genius. Happy would it have been for mankind, if the sagacity and penetration of the former, and the wit and learning of the latter, had never been employed on more useless subjects ? *In tenui labor, at tenuis non gloria* ; and tho' the lords of the ad-

admiralty could not give any formal order about singing these songs, yet they might easily in private recommend it to the captains; and, if they would have them sung at their tables, the sailors would soon have them likewise; they would naturally be fond of songs, which they would think themselves in some measure interested in, and would consider them, as auspicious omens, that they might themselves be one day celebrated in verse, and the subject of some future song which even their mistresses might vouchsafe to sing. Nor do I believe such influence would be confined to the common sailors only, it would extend to the officers also. My opinion is confirmed both by history and experience. What effect Homer, produced whose verses were usually sung in detached pieces in wars and at banquets in Greece, is well known. Tyrtæus by his martial songs revived the drooping spirits of the Lacedæmonians, and fired them so, that nothing could resist them *. Sir Philip Sidney said he never heard the old song of Percy and Douglas, that he found not his heart more moved, than with a trumpet, tho' sung by

* When by impulse from heav'n Tyrtæus sung,
In drooping soldiers a new courage sprung:
Reviving Sparta now the fight maintain'd,
And what two generals lost, a poet gain'd.

some blind Crowder with no rougher voice than rude stile; and I myself heard the song about the battle of La Hogue sung by almost every man on board of one ship the day of the battle of Toulon with very good effect, till the infamous behaviour of some in the fleet put an end to their song, and changed their praises of the dead into curses of the living; and upon enquiry I had reason to believe it was sung in every ship in the fleet with the same effect. But I would have songs of this kind sung every day, and the names and gallant actions even of common sailors mentioned, which I am confident would make them despise death and danger, and inspire them with a laudible enthusiasm, without some degree of which, no navy or army, no general or admiral will ever make any figure.*

Another great reason of the misconduct of our navy is, an improper distribution of some rewards, and deficiency of others. There are two sorts of rewards to encourage military men, pecuniary and honorary. As

* What Tully quotes from Democritus and Plato about a Poet, is applicable to a genius in any profession, but to none more, than a general or admiral. *Sæpe enim audiivi poetam bonum neminem* (id quod à Democrito & Platone in scriptis relictum esse dicunt) sine inflammatione animorum existere posse, et sine quodam afflatu quasi furoris.

to the former, the nation has been liberal of them even to profuseness; but then I am afraid they have been distributed very improperly, insomuch that the largeness of them, instead of carrying on the service steadily and surely, has, like a vast weight in a wrong place, overset it. As to honorary rewards, they are scarcely known in our service, tho' it is demonstrable that they are not only cheaper to the nation, but more productive of, and congruous to, true courage and virtue, than pecuniary. No nation in Europe has equalled us in pecuniary rewards; but to know, whether they are properly distributed, we must consider, for what ends, and upon what occasions rewards ought to be at all proposed. What a man has assigned to him for his ordinary service, is not here considered as a reward, but as pay, and is, or ought to be a sufficient compensation for his time, his labour, and the dangers he must ordinarily go thro'. If any further encouragement be at any time thought proper and requisite, it is, when some extraordinary hazards and fatigues are to be undergone, to atchieve something, which, if performed, will be an honour or benefit to the nation, or a detriment to the enemy. However great courage may be shewn in an attempt which if it succeeds, will neither be

beneficial nor honourable to the public, nor detrimental to the enemy, it is not to be called valour but folly and rashness, and ought to be punished, and not rewarded; and when any advantage can be obtained, or damage done to the enemy with little or no hazard, it is evident no very great reward can be necessary, the usual advantages of the service ought to be looked upon as a sufficient inducement to excite every man to do his duty in such cases; or, if the public is so generous, as to confer an extraordinary reward, yet it need not, nay it ought not to be very large, much less ought it to exceed the rewards conferred upon attempts, very hazardous and honourable to the performers, and detrimental to the enemy. In short, if the greatest rewards be given, where there is little or no danger, and very small rewards comparatively, when the danger is great, and the service noble—If the desire of these rewards will sometimes even make them neglect their duty--If many, who are in very useful and important stations, are almost totally excluded from any rewards—If this be an inducement to some to desire to serve in stations not so suitable for them, and leave the most important stations to others, not so well qualified for them—If the very nature of the rewards be such, as will not only make

a dismissal from the service not dreadful, but even desirable, I think it must be confessed, that the distribution of these pecuniary rewards is improper, and ought to be altered.

How far this is true, will be best demonstrated by laying before you, what the ordinary pay of a captain is, and the manner in which prize money is shared. Now there are two degrees of captains in the royal navy. One is of those, who have the command of sloops, bombs, fireships, or any ship less than one of twenty guns; they are called masters and commanders, and take place among themselves according to the date of their first commission, as master and commander, but are commanded by all captains of larger ships, tho' their commissions be of a later date. The other rank of captains is of them, who have the command of ships of twenty guns, or upwards; which are called post ships, and they take place, not according to the largeness of the ship they happen to command, but according to the date of their first commission to a post ship, i. e. to a ship of 20 guns, or upwards, so that a captain of a first or second rate may be commanded by a captain of a twenty gun ship. In the distribution of prize money, both post captains and masters and com-

manders share alike ; but their pay differs, as you will see by the following extract out of the instructions of the navy.

	<i>l.</i>	<i>s.</i>	<i>d.</i>	Servants
Captains of a first rate are allowed				
per Diem	1	0	0	36
—of a second	0	16	0	30
—of a third or 80, and 70 guns	0	13	6	24 or 20
—of a fourth or 60, and 50 guns	0	10	0	16 or 12
—of a fifth or 40 guns	0	8	0	10
—of a sixth or 20 guns	0	6	0	6

Captains of fireships, hospital ships, and store ships, tho' they rank only as masters and commanders, yet have the same pay with captains of a fifth rate, and captains of sloops the same with captains of a sixth rate, but the number of their servants differs. The rule is, every captain is allowed four servants, or in proportion, for every hundred men, of which his ship's compliment consists. Every servant is about ten pounds a year profit to the captain. The reason, why they are allowed so many servants, is that they may procure young lads to enter and be brought up in the service.

The king and parliament have been so generous, as to give all ships taken from the enemy by the kings ships to the captors in the following manner. Three eights of the prize to the captain or captains of the ship or ships, who took or assisted in taking the

prize, if not under the command of an admiral, or of a commodore with a captain under him, who in prize money shares as an admiral, but if under the command of an admiral or commodore with a captain under him, then one of these three eights belongs to the admiral or admirals of the squadron, if there be two admirals, the commander in chief to have two thirds of the eight, if more than two flags, then the commander in chief is to have one half of the eight, and the other half to be equally divided among the other admirals, one eighth to the commission, one eighth to the warrant, and one eighth to the petty officers; the other two eights to the common men; besides, if any ship of war or privateer belonging to the enemy be taken by one of his majestys ships, the government gives to the captors five pounds for every man, that was on board the enemies ship, at the time when the engagement began, to be shared in the same proportion as the prize money. Likewise pensions and gratuities to every man wounded in any engagement, and a years pay to the widows of those that are kill'd.

All ships are equally entitled to their share of prize-money, who are in fight when the prize is taken, and no others; every ship in fight being esteemed to be aiding and assisting

tho' not within gun shot, it being reasonable to suppose, that the sight of one of our ships, tho' at a distance, will encourage our ships that are near the enemy, and dishearten and make the enemy more inclineable to strike. Only the admirals are entitled to their share, whether they are within sight or not, it being sufficient for them, if the ships are taken within the limits of their command.

These must be confessed to be very munificent rewards, and the head money and gratuities to the wounded men and relations of the slain are well judged encouragements. But I cannot help thinking, that if an half of all merchant ships and of their cargoes was reserved to reimburse the nation part of the expence of fitting and paying our fleet, all, who belonged to the navy, would still have reason to be very thankful, no other nation in Europe giving so much as that; and if after that, the captors share had been divided into seven parts, and one seventh instead of two eighths had been given to the captains, they could not then have complained that their share was too little, nor do I believe, they would have done their duty the worse.

But alterations of this kind may now be difficult. Let it then only be considered, whether, without taking away any of the two
eighths

eighths from the captains, their share may not be more properly disposed of among them, as much to their satisfaction in general, and yet in some sense more equitably, and certainly more for the advantage of the service.

Merchant ships, if they be of any considerable burthen, are of much more value than large men of war. One of 200 tons may be worth, 10, or 20, or 30 thousand pounds, when a man of war of 60 guns will not be of near that value, especially after such an engagement, as we may suppose, there must be before a ship of that force will strike. As arrant a coward therefore, as ever was in any service, may without any danger make himself master of an ample fortune for only doing, what a woman could have done as well; while a brave man, after a gallant action, full of danger, may not for his reward have the fifth or the tenth part of it. If the ordinary pay be not thought sufficient encouragement to take a merchant ship, yet surely it cannot have any claim to so ample a reward.

When men may enrich themselves at once with so little hazard as attends attacking defenceless merchant ships, and, when they engage a man of war, are sure of hard blows, and can expect but little profit and no honorary rewards, 'tis very natural to believe,
that

that they will shun, as much as possible, engaging with ships of force, however eager they may be to attack merchant ships, and, if they should happen to meet with both men of war and merchant ships, that they will try to avoid the former, if they can but lay hold of the latter. This supposition is not only very natural, but supported by experience. A certain officer very lately, who had under his command three ships of 70, and 60 guns, fell in with two French men of war and some merchant ships. The worthy commodore seeing a large merchant ship making what sail she could to get away, follows her, and leaves the two French men of war to his own comrades. They, tho' of superior force to the French, yet for fear they should not be strong enough, or for fear they should not be in fight, when the merchant ship was taken, went away likewise, and suffered the French men of war to go away unmolested. Such a behaviour is not to be wondered at; it is the natural consequence of such a distribution of rewards*.

If a man of war should be sent as a convoy to some rich merchant ships, and should see at a distance a ship of the enemies, which he might suppose to be a rich one, would

* None of these captains were punished. The commodore has been since promoted to an higher station.

there

there not be a strong temptation to him to leave his convoy, and go after the prize? the convoy, 'tis true, is of great value, but what is that to him? if he takes care of them, as he should, he may have thanks perhaps, but, if he takes the prize, he makes his fortune, and then he can live ashore not only with safety, but, if he be not near the rank of an admiral, with more dignity also, and will be glad of any pretence to quit the service: not that his dismissal would be any loss to it; he might be succeeded by others as capable: but his indifference for the service will make him consider breaking as no punishment: he can cover himself from infamy in his lac'd cloaths and his coach and six, and, * like Lucullus's soldier, when he had

* The story is well told both by Horace and Pope, and will not I believe displease the reader.

Luculli miles collecta viatica, multis
 Ærumnis, lassus dum noctu stertit, ad assem
 Perdiderat; post hoc vehemens lupo, & sibi & hosti
 Iratus pariter, jejunis dentibus acer,
 Præsidium regale loco dejecit, ut aiunt,
 Summè munito, & multarum divite rerum.
 Clarus ob id factum, donis ornatur honestis,
 Accipit & bis dena super sestertia nummum.
 Forte sub hoc tempus castellum evertere prætor
 Nescio quod cupiens, hortari cœpit eundem
 Verbis, quæ timido quoque possent addere mentem:
 I, bone, quo virtus tua te vocat, i pede fausto,
 Grandia laturus meritorum præmia; quid stas?

Posthac

had recovered his loss, will leave hazardous attempts to poor fellows. 'Tis certain this was the behaviour of some in the infamous battle of Toulon. They had filled their coffers with prize money from merchant men, and could calculate too well how small gains they could expect from an engagement with men of war, and were not willing to expose to be shot at persons of such consequence, as they were become, since they were masters of 20, or 30 thousand pounds, and therefore took care to fire away at a very safe distance immense quan-

*Posthac ille catus, quantumvis rusticus, ' ibit,
' Ibit eo, quò vis, qui zōnam perdidit, inquit.' Hor.*

In Anna's wars, a soldier poor, and old,
Had dearly earn'd a little purse of gold;
'Tir'd with a tedious march, one luckless night,
He slept, poor dog, and lost it to a doit,
This put the man in such a desperate mind
Between revenge, and grief, and hunger join'd
Against the foe, himself, and all mankind;
He leap'd the trenches, scal'd a castle wall,
Tore down a standard, took the fort and all.
Prodigious well, his great commander cry'd,
Gave him much praise, and some reward beside.
Next pleas'd his excellence a town to batter;
(Its name I know not, and 'tis no great matter)
' Go on, my friend, he cry'd, see yonder walls;
' Advance and conquer, go, where glory calls,
' More honors, more rewards attend the brave.
Don't you remember, what reply he gave?
' D'ye think me, noble general, such a sot?
' Let him take castles, who has ne'er a groat.

tities of powder and shot at the enemy, or rather at the sea, for that had most of their shot, which fell short of the enemy they pretended to fire at.

There is another ill consequence of this distribution of prize money, which is not so much taken notice of, and yet may be very fatal. No ship is entitled to any prize money, which is not actually in fight, when the prize is taken. Now as three deck'd ships are too large and unweildy to busk the seas, as they call it, they must be as much at anchor, as the service they are upon will admit, and are by that means in great measure excluded from prize money, and yet they may really be said to be aiding and assisting to the cruizing ships, tho' they are not actually with them. Thus, when the English three deck'd ships lay at anchor in Hieres bay, and kept the Spanish fleet in Toulon, the enemies merchant ships were forced to sail with little or no convoy, and fell a more easy prey to our single cruizers, than otherwise they would have done. I readily allow, that the cruizers, which are exposed to the dangers and fatigues of the sea, more than they which are at anchor, should have more prize money: but I cannot think, that the capital ships, which have so great a share in distressing the enemy, should
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be totally excluded ; especially, since if ever there be a general engagement, they are the ships, which must sustain the fury of the battle.

However, if they were the only sufferers by this, it might be passed over ; but the public service is hurt greatly by it. In time of war prize money may be much more considerable to captains than their pay, and the hopes of it much more alluring and attractive. A single prize of but two thousand pounds value, if taken by one ship, will be more to the captains share than the difference is between the pay of a first and a sixth rate. For this reason old captains, who should, and gentlemen of interest, who will, have the preference, strive to get cruising ships, in hopes of making their fortunes at once, while the capital ships are given to young captains, or to captains in a bad state of health, who cannot bear the fatigues of cruising. I have known some gentlemen captains of eighty gun ships, who by the rules of the navy, were not old enough to be lieutenants. But in a general engagement, the chief dependence must be upon these ships, and it cannot but be of the utmost consequence, that they should be commanded by old and experienced commanders, the bad conduct of one of them may lose a victory ;

victory ; but however brave a young gentleman may be, he cannot have experience enough to direct his conduct on such a day. I have often heard foreigners express their surprize at the youth of some of the captains of our capital ships.

Give me leave to mention another observation, which tho' it does not relate to prize money, is very pertinent here. The first admiral in England, has, when employed, two captains under him, the first of which during that time, ranks as rear admiral, and is always an old captain ; but other admirals, who happen to command squadrons in chief, have but one captain, who takes rank according to the date of his commission, and, as he is very much confined, and supposed to be out of the way of prize money, old experienced captains decline the post, and it is generally conferred upon a young captain ; and yet if the admiral should be killed in an engagement, his captain may command the whole fleet during the greatest part of the action. For, if an admiral be killed, the instructions forbid his flag to be struck, for fear of discouraging the fleet, but order, that notice be sent to the person, who commands in the second post of the admirals deck, who is immediately to repair on board the admiral's ship, and take the command
upon

upon him ; but before this can be done, the fate of the action may be determined. In the mean time all signals are to be given from the admiral's ship by the direction of the captain, or, if he should be killed likewise, by the direction of the lieutenant, and if any errors should be committed thro' want of experience or capacity, the whole fleet may be destroyed. This is a fault that only we are guilty of, and which we may perhaps have one day too much reason to repent. The French have always several old officers on board their admiral's ships. The Spanish admiral, tho' he had only a rear admiral's flag had no less than 4 captains on board his ship the day of the battle of Toulon, and it was owing to the experience and bravery of the third captain, the first and second being killed, and the admiral himself wounded, that the ship was saved. In the wars with the Dutch, when our navy made the greatest figure at sea, we have had two admirals on board of one ship.

These are some of the mischiefs, which, I apprehend, the present distribution of our prize money already has been, and always will be the cause of. The arguments made use of to prove this are supported by experience, and they are mischiefs of such consequence, as well deserve our greatest attention, how
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to remedy, since, if not prevented for the future, they probably will prove our ruin, and prize money, instead of promoting the benefit of the service, and exciting diligence and bravery among the officers and seamen, will make the duty neglected and dangers shun'd, and only riches aimed at.

I am sensible, sir, that any person, who has plann'd a scheme in his own mind, of what kind soever it be, is apt always to be partial to his own design, and to entertain a much better opinion of it, than any other can, or will do. But tho' the whole may not merit approbation, some part of it may, and one of your candor will be inclined to pardon what is amiss, especially if you think the intention honest, even tho' there be more in it that is to be blamed than commended. Relying therefore upon your goodness, which I have so often experienced upon other occasions, I shall the more chearfully venture to give you my opinion, how these inconveniencies may be remedied, because I well know, how able you are, if you give yourself the trouble to read this letter, to discern and correct what is faulty, reject what is wrong, and supply what is defective.

But I must first of all take the liberty to say, that it appears to me, there ought to be more steps to ascend from the command of

a ship, to the rank of an admiral. When a man has a commission to command a twenty gun ship, he can regularly rise no higher, till he is a rear admiral, i. e. a major general, for a commodore is only an occasional dignity; while any person has that commission, he ranks as brigadier general; but, when the commission ceases, he descends again to the rank of a private captain. This is a fault which the French and Spaniards have avoided; they have several ranks of captains, according to the rates of the ships they command. And this, and indeed the discipline of the French in general, are worthy our imitation. Suppose therefore that all commanders of bombs, fire-ships, sloops, and hospital ships, and all who are called masters and commanders, should rank as majors, all captains of 20, 40, and 50 gun ships, as lieutenant colonels, of sixty, seventy, and eighty, as colonels, of 90, and 100 guns, as brigadiers. This might be done without any alteration in their pay, and would effectually prevent old captains from asking for small ships, unless they were willing to be commanded by officers, who were their juniors; and as large ships are the most proper and suitable for old officers, so cruising ships are the best for young, who are best able to bear the fatigues
of

of cruizing, and will by that means have a better opportunity to improve their skill in navigation, and acquire experience. Nor would there be any difficulty in ranging the captains in these classes, which may be done, not according to the largeness of the ships they have commanded, before this regulation is made, but according to the dates of their first commissions, which would leave none any room for complaint, since then no unjust preference would be given to junior officers by putting them over the heads of their seniors*.

* To the many inconveniencies foreseen when this letter was wrote, which this regulation would prevent, another is since added which would in great measure be prevented by it: the great number of yellow admirals, as they are called. It has of late been very much the custom to promote some captains to the rank of admirals when many who were their seniors were passed by, and consequently could not with honour, according to the custom of the navy, serve any longer; to pacify them therefore they have been appointed rear admirals, without being named to any particular squadron, and intitled to half pay, but are not to expect ever to be employed; this, if they have behaved well, is too little, if not, too much; however it is a large expence to the public. In the land service no officer under the rank of colonel, thinks it a disgrace, to serve, if a junior officer be put over him. In the sea service now no master and commander ever quits the service on that account; and, if the regulation now proposed was established, none who had not commanded at least 60 gun ships, would have a right to think themselves disgraced by continuing to serve, when juniors were put over them, consequently the number of these, who would claim the privilege of being rear admirals at large, would be very much reduced, and the expence lessened.

And as all the ships in the same squadron may be truly said to be assisting to each other in distressing the enemy in those parts, where the squadron is employed, so I cannot think that any of them ought to be almost totally excluded from all hopes of prize money; but that regard ought to be had both to the rank and age of the respective captains, and to the service performed, and hazards and fatigues underwent by every ship. This not only justice, but the benefit of the service requires.

With regard to the captains, I would therefore propose, that when any prize money is to be paid, the two or three eights belonging to them should be divided into a number of shares according to that of the captains, who are entitled to it, and that all, who serve in the squadron, should be entitled to their proportion of it according to the following rules. Every master and commander, who ranks as major, to one share; every captain, who ranks as lieutenant colonel, a share and an half; every captain, who ranks as colonel, two shares; every captain, who ranks as brigadier, two shares and an half. This would make old captains willing to command great ships, and would shew a decent regard to their age and services; nor could young captains reasonably complain, tho' something be
 2 taken

taken away from them for the present, since they also would one day reap an advantage from it.

But as the cruizing ships must necessarily undergo more hazards, and their companies more fatigues than others, the following exceptions, or limitations to the above method are offered.

I. If any merchant ship or ships belonging to the enemy be taken by any of his majesty's ships of superior force, then the whole squadron to which the captors belong shall be entitled to share in the prize money, tho' not actually in fight; but the immediate captors, and all in fight, when the prize or prizes are taken, shall be entitled to a double share of prize money, to what others in the same station shall receive. i. e. Every captain, who ranks as major, and is one of the captors, shall receive two shares; every captain who ranks as lieutenant colonel, and is one of the captors, three shares, and so on; likewise every lieutenant, master, warrant or petty officer, or private man, who are on board the captors, when the prize is taken, shall receive double the prize money, which others of the same station in the fleet, who were in ships not in fight, shall be entitled to. This where no great danger is

run, may well be thought a sufficient compensation to the captors.

II. If the ship or ships taken be equal in number of guns and men, and in weight of metal with the captors, or if they be ships of war or privateers, tho' of inferior force, then they are to belong to the captors only, and no other ships in the squadron but those, who are actually in fight, to be entitled either to prize or head money. It is mentioned here, that the ships taken, should be equal to the captors both in number of guns and men and in weight of metal, because some merchant men have as many guns as men, and others are cumbered with passengers, and have few or no guns, neither of which can make any considerable resistance to ships of war, and consequently the taking of them does not deserve any extraordinary reward.

III. If any ship be taken, which hath a letter of marque, and yet hath a cargo on board, it shall be considered as a merchant ship, and not as a privateer.

IV. If any of his majesty's ships of war shall take or destroy ships of war belonging to the enemy of equal or superior force to the captors, then the captors shall not only be entitled solely and exclusive of all others

to the prize and head money arising from the ships so taken, but likewise to a double share of all prize money arising from any merchant ships that shall be taken by any of that squadron for a year to come, except such merchant ships, as are comprehended in the second article, as equal to the captors in weight of metal, and number of guns and men. And to this double share captains, officers and men shall each of them in their respective degrees be entitled. And if any of them shall be sent out of the limits of that squadron before the year be expired, yet still to be entitled to a single share after they have left the squadron, till the time mentioned be compleated.

V. When any captain shall receive any prize money for merchant ships only, he shall be obliged to give security for the whole sum; and if at any time hereafter he shall be convicted of cowardise in any shape, then all the prize money he hath received, or is due to him for merchant men, except what he may be entitled to by the 4th article, shall by that conviction be forfeited, and shall be given among those captains of the fleet who have taken ships of war of equal or superior force with those they commanded. This may make some desirous of resigning and leaving the service, when they are grown
D 4 rich;

rich ; but it will effectually keep them from drawing back in the time of danger ; the more a man has to lose, the more desperate he will be, that he may not by the bad conduct of an hour lose the acquisition of years.

Give me leave to add, Sir, in behalf of the men, that some further regulations may be made with regard to the agents, that their fees be fixed, and they not suffered to run away with all or most of the profits, that should belong to the men ; that if any dispute should arise about the legality of the capture, or the right of the claimants, there may be a summary way of determining it ; that the agents may be obliged to make their payments with as little delay as possible—that the men may have liberty to name agents, as well as the captains and officers—that no agent dare to pay any captain all or any part of his prize money, who has not first given in authentic lists of his ships company, by which every man in his ship may be able to receive their dividend, as well as the captain his—and that the captains be required to act as the fathers of their ships companies—and that all frauds and embezlements, and delay or stoppage of payment be severely punished.

These

These regulations I believe, sir, would make our pecuniary rewards useful to the public service, which I am afraid are frequently very hurtful to it now. But I cannot think pecuniary rewards are sufficient to advance a service to a great degree of perfection. Honorary rewards, which are scarcely known in our service, are much more consentaneous to virtue, and more productive of heroic actions. Every one knows how eagerly a garland, and a civic or mural crown were contended for by the Greeks and Romans; they were things of no intrinsic value in themselves; but they reflected a reputation and dignity upon the persons, who obtained them. Indeed rewards of this sort will always have most force in virtuous times; but they will have some even in the worst. I heartily wish they were introduced into our service; they will acquire strength from use: Men would dread infamy, and court reputation more than they now do.

I have been very long upon pecuniary rewards, and am afraid I have already tired your patience. Give me leave however to mention a few instances, where I think honorary rewards might be conferred with great propriety.

I. Every captain of a man of war who shall take or destroy an enemies ship of war
of

of equal force with his own, to be considered to rank in the service as if his first commission was of a year's older date than it is; and if by the addition of that year, he would be at the head of his own rank, then to be promoted immediately to an higher rank.

This I have heard objected to, as unjust, as it may put juniors over their seniors, who did not want courage, but only opportunity to have done the same, which perhaps favour procured for the other. But I must own, sir, I think one gallant action, crowned with success, deserves more from the public, than a year's inactive service; nor is it possible to reward latent merit, the public can only judge and reward, what it sees; if this will make danger courted for the sake of glory, this is the very thing, that is aimed at; if the admiral's favourites court danger for this reward, it is a proof that he has made a right choice of his favourites; and if any one complains, the answer is plain, go thou and do likewise.

II. Every captain of a man of war, that shall take or destroy a ship of the enemies of superior force, shall from that day rank as commanding a ship of that force.

III. Every captain of a fireship, that shall burn an admiral's ship, to rank from that day

day as a colonel, or, if any other ship, as a lieutenant colonel.

IV. After an engagement, if we have gained the victory, the admiral to have the power to reward as many captains as the enemy have lost ships in the manner above mentioned, but still to be accountable to the higher powers for his nomination; if we lose the battle, that as soon as may be a strict enquiry be made both into the conduct of the admirals and captains, the brave to be rewarded, and the faulty punished.

V. The captain of the admiral, who commands a squadron in chief, to take place of all other captains for the time, and if he continues long in that station, to have a year added to the date of his commission; if a battle be fought during that time, and a victory gained, to have another year added, unless the admiral himself be found guilty of cowardice.

VI. If any captain should be killed in an engagement, and the lieutenant who succeeds him in the command, behave well, and bring the ship off honourably from one of superior force, or take a ship of equal force, that lieutenant to take rank as master and commander from that day, or even an higher rank, if the merit of the action shall deserve it, and to have the first ship of that
rate,

rate, that shall be vacant even before the admiral's lieutenants.

VII. Every lieutenant of a victorious ship to have a year added to the date of his commission ; every master or warrant officer, who had on such occasions behaved well, to be considered from that day, as belonging to a ship of a larger rate with respect to being superannuated, or to have a year added to the date of his commission ; every mate or midshipman not to be obliged to serve in a lower station in his majesty's navy, and every common seaman to have some mark of honour conferred on him, or leave for a month's absence on that account, when they come to an English shore. I dare say, these rewards would make every man more courageous in action ; a year thus added to a commission, would be looked upon as the most honourable pretension to seniority, and an advancement or indulgence thus obtained would be the boast of a brave seaman : the very mention of it fires me, and revives in my mind a pleasure I once had, when a brave fellow interrupted a man, who was singing a song about the battle of la Hogue, Jack, says he, by the time we get to England, we shall be in ballads for our behaviour this day.

If

If any captains should give repeated instances of their courage, by taking several of the enemies ships of war, would it be amiss, if the old order of bannerets was revived, they honoured with it, and permitted to wear a red ribbon on the left shoulder, and a star as the knights of the Bath do? I am persuaded it would be highly useful; but I would never have it conferred, where the merit was not conspicuous, and then it should be done with great form; all the captains of the ships at the port should assist: and to stimulate people the more to exert themselves in an engagement, it ought to be a constant rule after an engagement, to make with a great solemnity a strict enquiry into the behaviour of every ship, and publickly to applaud the brave, and censure the faulty, and bring them afterwards to a court martial; and all partiality in this should be severely punishable. When this was known to be the constant method, a man must be a very great coward indeed, who would not fight; I believe few such would be found.

If there should be a general engagement between two great fleets, and the victory clearly ours, I own, I think the admiral deserves a greater honour than that of knighthood;

a peerage cannot be thought too much. Indeed, military virtue seems to have the fairest pretensions for that honour; if they, who are arriv'd at the head of the church and the law, ought to have the precedency, as religion and good laws are the most essential to the happiness of a nation, and even to the good conduct of an army and fleet: yet, still, as they generally arrive at, and possess those eminent stations, without any danger to their persons, they do not seem to have so good a right to hereditary honours, as the brave general or admiral. He who ventures his life greatly, for the service of his king and country, deserves to have that honour transmitted to his family. I have often wondered, how few families have been enobled for military virtue, and how many have been enobled, without having filled any eminent station at all. If one looks into the number of peers created from the accession of K. James the first, to the death of Q. Anne, one would be apt to conclude that that century must have abounded greatly in men of distinguished worth and abilities; but our historians, and even books of heraldry, have been shamefully silent with regard to many of them, having left us little more concerning them, than that they had a
vote

vote in the senate, and were able speakers*.

The clergy cannot save money in their way to enoble their families to support that honour; their revenues were not given them to aggrandize their families, but to reward merit, and succour the distressed; and if any of them should save a large fortune, out of his spiritual revenues, he might well be said to become scandalously rich, and utterly unworthy of any honour; nor has there one clergyman been enobled since the reformation. The law has given rise to many noble families, but the sword to very few. Indeed, this reflection seems to favour the satyrical comparison in Gulliver, between the ancient Roman senate, and a certain modern one.

In the last reign a bill was brought in to limit the number of peers: was the number to be limited, and that the prerogative might not suffer, the king to name so many out of the law, the fleet, and the army, who, like the bishops, should sit in the House of Lords for life, and none be made hereditary peers, whose ancestors or themselves had not filled some eminent station with applause, it

* *Largus opum, et melior lingua, sed frigida bello
Dextera, conciliis habitus non tu futilis auctor.*

VIRG.

would

would add greatly to the splendor of that illustrious body.

But I would not have honorary rewards confined to the royal navy, I would have it extend to the privateers also; if any of them took a ship of war from the enemy, I would have the captain of that privateer be enrolled among the captains of the royal navy, and rank according to the bigness of the enemies ship that he took; the reward thus given, would, in comparison of the mischief that he did the enemy, cost the publick but very little, and a brave officer would be brought into the royal navy, which would be always a valuable acquisition. Perhaps, he might not be so polite as some of our captains, but if he was a man of sense and courage, he would soon acquire that politeness, which is founded on good sense and good nature, and the rest might be excused *. Nay, I would have these rewards go lower still; the men of that privateer, that had taken a ship of war from the enemy, should be exempted from being pressed for a year.

In short, as there may be some great actions performed, which can be provided for

* This would perhaps introduce into the royal navy some Bemboos and Waltons, to be a contrast to a Burrish or an honourable ———

by no stated rules, it is to be wished, that every year, a strict enquiry was made, into the actions of the war; whether performed by the officers of the publick, or of private persons; and every gallant action some way rewarded. With regard to the officers of the royal navy, I could wish the admiralty's invincible maxim was, pay well, and punish well. But the best thing to inspire men with a steady and determined courage, is religion. All men are sensible of the shortness and uncertainty of life, and weakness and blindness of human nature; and all religions attribute to the Supreme Being power and wisdom, and promise, more or less clearly, happiness in another life to the virtuous: *Quique sui memores alios fecere merendo*. Integrity and bravery in the service of one's country, is every where reckoned a great virtue; consequently, the fear of death must be lessened, and victory expected from the assistance of the divine powers, when a man believes he is fighting in a good cause, and that he is under the protection of the Supreme Being, whose battles he is fighting, and who will either bring him off with safety and success, or crown him with immortality. Look into ancient or modern history, into the annals of our own, as well as of for-

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reign

reign nations, and you will find, that armies were never so daring, never so victorious, as when they were animated by religious principles.

Give me leave to quote the words of Strada, lib. 2. prolus. 4. “ Ad rem bellicam religionem princeps adhibeat; nullum enim instrumentum evocandis, atque in omnem belliam compellendis militum animis, nullum fospitandis fortunandisque præliis opportunius religione repertum est. Hæc telum acerri-
mum, quo semel armatus exercitus, humana omnia ducit inferiora præ illa. Gloriosi isti duces, dei hominumque contemptores, & qui se aliis faciunt feroces, dum cælo minitabundi gradiuntur, artis, quam profitentur, elementa nondum tenent. Romanis imperatoribus, cum quibus, si usquam gentium, bel-
landi ars fuit ac fecit, nihil erat antiquius ante pugnam, in acie, post victoriam, quam ut religionis curam plerique haberent, omnes certi præ se ferrent.”

There are several instances mentioned in Livy, where their greatest generals in the most imminent danger of losing the battle, have, by an audible address to the gods, revived the courage of their soldiers, and gained a compleat victory; particularly Romulus, Camillus, and Sylla. But nothing
can

can be more noble and animating, than some of this sort mentioned in the Old Testament, "Hear, O Israel, you approach this day unto battle against your enemies, let not your hearts faint, fear not, and do not tremble, neither be ye terrified because of them; for the Lord your God is he that goeth with you, to fight for you against your enemies, to save you." Deut. xx. And again, 2 Chron. xiv. "Lord, it is nothing with thee to help, whether with many, or with them that have no power; help us, O Lord our God, for we rest on thee, and in thy name we go against this multitude. O Lord, thou art our God, let not man prevail against thee." And in the Psal. cxlix. "Let the praises of God be in their mouth, and a two-edged sword in their hands, to be avenged of the heathen, and to rebuke the people, to bind their kings in chains, and their nobles in links of iron; that they may be avenged of them, as it is written, Such honour have all his saints". There is a spirited exhortation of St. Paul to the church, in a state of persecution, which would be equally applicable in war, Eph. vi. "Finally, my brethren, be strong in the Lord, and in the power of his might."

To conclude this subject, if among the old Romans, religion was of such use and prevalence, when it was full of superstition, and

gave but uncertain hopes of an hereafter, how powerful might it be made under the gospel dispensation, where life and immortality are set in so strong and clear a light? what can so much brighten and improve innate seeds of courage? what so strongly combat constitutional fear, and enable even one, who is naturally a coward, to look upon death with contempt, and smile among the roar of cannon and all the horrors of war? But it is the gay conscience of a life well spent, that can, at that time of horror, make a man's breast glow with pleasing hopes. This is not indeed, in the power of the public to bestow; but two things ought to be the care of the public, that religious worship be solemnly, decently, and regularly performed, and that open and abandoned vice be punished; the former keeps religion in countenance, and often insensibly leads men from being formally, to become really good; the latter prevents from committing actions, which, if reflected upon, will blunt their sword in the day of battle. I am sorry to say, that as far as I could observe myself, or learn from others, no nation in Europe is so much wanting, and so justly blameable in both these respects, as ours. There is not always sufficient care taken in choosing such clergy for chaplains, as might, by their learn-

ing and example, recommend the practice of it to the men, or give a just idea of it to strangers. And there have been lately some notorious instances of vice publicly detected, and the criminals not only pardoned, but advanced. I could mention many, but shall give you only two, which happened very lately in two different ships. Two officers, the one a captain, the other a lieutenant, were detected of sodomy; the thing was so flagrant, that they both deserted, and run away, and yet the one was immediately made captain of a larger ship, and the other preferred to an higher commission. Sodomy is a vice detested in the fleet at present; but if officers are suffered to set a bad example by the practice of it with impunity, it may be soon as common there, as in Italy or Turkey.

You have now, Sir, my thoughts, what are the most likely methods to revive the glory of the navy, and to make rewards truly useful to the service; how far I am in the right I submit to you; and it is worthy the serious thoughts of a person in your station; you may have an opportunity of correcting by a law, whatever is amiss, and, by that, of doing a most substantial service to your country in general, and to a brave and useful body of men in particular, who now in-

deed, by the cowardice and misconduct of some, appear in a contemptible view, but are, and always must be, the best human bulwark that this nation can have, for the defence of our liberty against foreign enemies. Indeed, I intended to have added something about court martials, but I have already tired your patience so much, that I shall go no farther at present.

I am,

Sir,

Yours, &c.

L E T.

LETTER II.

ON NAVAL COURT MARTIALS.

Wrote in the Year 1748.

—Quis iniqua

Tam patiens urbis, tam ferreus, ut teneat se.

JUV.

Atque haud scio, an, pietate adversus Deos
sublatâ, fides etiam, & societas humani
generis, & unâ excellentissima Virtus, Jus-
titia, tollatur.

CICERO.

LETTER II.

ON A NAVAL COURT MARTIAL.

Wrote in the Year 1748.

— *Quis iniquus*
Tum patiens urbis, tum fortis, ut tenet se
Atque hand scio, an pietate advertas Deos
sublatâ, fides etiam, & societas humani
generis, & una excellentissima Virtus, Jul-
Cicero. *thâ, tollatur.*

S I R,

TH O' the aspect of things belonging to the navy is very much changed, since my first letter, and the good successes of the admirals Anson, Warren, and Hawke, have reconciled peoples minds to seamen, and shewn them the importance of a naval force; yet as there are still many defects, which want a remedy, and as advantages obtained, where good rules are wanting, may seem rather the effect of chance, than the reward of virtue, permit me to go on, where I left off at the conclusion of my last letter, and point out, where some new regulations are highly wanting, in our court martials, that they may have that force, which is proper to influence mens conduct, and may become the dread, and not the screen of the guilty. This seems the more necessary, because, if we take a view of the behaviour of the French, we must do them the justice to allow, that they shewed all that conduct and courage, which just and exact discipline could produce—and perhaps the superiority of our numbers

numbers was a very fortunate circumstance for us.

Indeed it is now a more proper time to consider, what relates to the fleet, than it was a year ago, when men were so prejudiced against all that belonged to it, that they were for throwing marks of disgrace upon them indiscriminately, without separating the innocent from the guilty. This was as imprudent, as it was unjust, and the way to make things worse rather than better; other methods may now be hearkened to, which at the same time, that they remove the protection of the guilty, and apply a proper severity, where it is wanting, may yet add honour to the brave. The English seamen are acknowledged by all nations to behave as well, if not better, than those of any other country; but their officers are often accused of cowardice, neglect, or ignorance. On the contrary, the French common men are very backward in the performance of their duty in danger; but there is scarce one instance to be produced of their officers behaving ill. What can this diversity be owing to? it must proceed from the strict and exact discipline in the French, and the want of it in our service. They have found out punishments, which their officers are more afraid of than of death. And we are too negligent

gent in enacting, or too remiss in executing such severe laws, as will make men afraid to transgress. We must not therefore depend too much upon the courage of our men, if a proper discipline be neglected; conduct must, in the end, prevail over blind or ill directed force. Were a troop of men, and a troop of lions to be engaged, the prudence and foresight of the men would certainly at last conquer the superior strength of the lions.

"Tis not enough, that men can discern, what their duty is; they must be urged to the pursuit of it by the prospect of something, which will make them happy; and restrained from transgressing it by the apprehension of evil. Some indeed, that they may be thought superior to others, have talked in a very elevated strain of virtue, and have affirmed, that it is to be pursued for its own sake, condemning all sanctions both divine and human, as tending to degrade men's nature, and to make them mean and mercenary, rather than virtuous. But these men, who would affect to be thought wiser than others, plainly shew their ignorance, and that they have taken but a very imperfect view of human nature, in which the passions are as essential a part as reason itself; the desire of happiness, and abhorrence of misery is as inherent in all finite
 animated

animated beings, as the power of distinguishing between right and wrong is in rational; and man would be a very indolent, inactive creature, was he not impelled to action by present enjoyment, or hope or fear of what may happen;

Reason's the card, but passion is the gale.

Now of all the passions, by which a man is influenced, fear is the most general and powerful; men are frequently content with ease, or a mediocrity of happiness; but every man is restless under the least degree of present, or apprehension of future misery, and active, till he can deliver himself from the pain, or prospect of it. For this reason all wise legislators have endeavoured, by the help of this passion, to keep men within the bounds of their duty, and restrain them from doing any thing detrimental to society. Nay by fear of certain punishment, they are often excited to rush into great dangers, where there is a probability or perhaps scarce a possibility of escaping, which otherwise they would most cautiously shun. This is the great use of military punishments, especially to prevent neglect or cowardice in the day of battle. Every one thinks, that he may escape, or repel danger from an enemy by his own and his associate's conduct and courage; and if he knows, that cowardice
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will certainly be punished by his friends with a speedy and ignominious death, even fear itself will force him to be valiant, and to fight with greater obstinacy and resolution.

'Tis true, there are some, who, born with the seeds of a most delicate taste, which are cultivated by reflection and elevated and refined by religion, endeavour to perform their duty from the secret satisfaction they find in the practice of virtue, and perhaps from the glorious ambition they have of approving themselves to a perfect being, whom they consider as the perpetual inspector, and never failing reward of all their actions. To such as these, the shame of deserving, is as dreadful as the pain, of punishments. But there are but very few of this exalted kind.

—Quos æquus amavit

Juppiter, atque ardens evexit ad æthera virtus.

The generality of mankind must be treated in another manner, if we would have them active and persevering in their duty in the midst of dangers and fatigues.

If this reasoning be just, then all possible care should be taken that court martials may be held freely and easily, when there is occasion—that the evidence may be uncorrupt—that no partiality be shewn either by the collectors of the evidence, or the judges of the fact—that the punishment be clear and explicit,

plicite, and proportioned to the nature of the crime, and the importance of the service ; so that as little room as possible may be left for men of interest, who have offended, either wholly to escape, or to meet with a slight punishment, where the crime has been great and notorious, and detrimental to the service—and that enquiries be made, and sentence pronounced as soon, and with as much solemnity, as may be, after the fact is committed. By comparing the present practice of court martials with these maxims, which cannot, I believe, be denied to be just, we shall be able to judge, how far our laws relating to them are defective, and want to be amended, or the execution of those laws obstructed, and want to be enforced.

The holding of court martials was sometimes impracticable from a defect, which might easily have been removed *. When an admiral or commodore was sent to command abroad, besides his commission to command in chief, he had another, which gave him power to hold court martials ; but this last was limited only to him, and did not devolve to his successor, without another express commission. If he died, the next in rank took upon him

* This defect is remedied by a law mentioned in the P. S.
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the command, but could not hold a court martial, even if there had been a mutiny of half the fleet. One of the accusations against Mr. Frye's court martial was, that he lay so long in confinement before his tryal, which in truth was no fault of theirs, however blameable they might be in other respects. The gentleman, who commanded in chief, had no power to try him; and after he was accused of mutiny, a capital crime, he could not be released till he was tried. But give me leave to observe, Sir, that a ship itself is confinement alone, without obliging a prisoner to keep his cabin at sea, unless he obstinately continues to behave in such a manner as to make his close confinement necessary or prudent for the safety of the ship. And, when the ship is in harbour, if it be in a place, where there is an English governor, confinement ashore, will generally be more convenient for his majesty's service, as well as better for the prisoner's health, and therefore should not be denied, where it is requested, and can be conveniently admitted, only to gratify the tyranny of the captain. I have heard very well attested stories of officers confined to their cabins out of pique, and kept there above a year, even when the ship was heaved down, tho' to the manifest hazard of their lives; and indeed

indeed sometimes the more inhuman treatment has been shewn from a consciousness, that they were confined at first without just cause, in hopes to put an end to their lives, before their trial came on; because they knew whenever the prisoners were tried, they must be acquitted. And here is another manifest defect in our law; for, if an officer be confined by his captain never so long, and used never so barbarously, and if he survives it, till he comes to his trial, and is then most honourably acquitted, he has not by that any satisfaction from his captain, nor is his captain liable to any punishment by martial law for the most malicious and cruel tyranny; tho' in truth it ought to be considered as the trial both of the accuser and accused, and an honourable acquittal of the latter be always attended with a censure and punishment on the former. 'Tis true the injured person may have recourse to common law; but besides that that plainly shews a deficiency in the martial law, he, who has recourse to that method, will be sure to raise himself so many enemies, in the fleet, that he will scarce ever be able to get preferment afterwards. Since neither the lords of the admiralty, nor the commanders of the navy, approve of those, who seek for redress in other courts, however defective their

their

their power, not to say, byassed or partial their inclinations, to give it.

Neither has a captain power to punish any offences committed on board his ship by the common men, any otherwise than by a dozen lashes. To confine all such offenders till they are brought to a court martial would be endless, and to connive at the captain's punishing them arbitrarily is attended with many inconveniencies. In the army, I believe, every regiment has a power of holding court martials, for such petty offences; and the same power granted to the captain, the commission and warrant officers aboard every ship, to try the common men for offences not capital, and to determine what degree of confinement was necessary for the good of the service, when any officer had been guilty of a fault, till he could be tried, could not be hurtful, and must in many cases, be highly beneficial to the service.

* And, as all commanders of squadrons ought, by virtue of their command, without any separate commission, to have a power of holding court martials, when they see proper, so it should be part of their duty after an action, to make a strict enquiry into the conduct of their officers, and to give

* They have this power by an act made soon after this letter was written.

due praise and testimony to those, that have done their duty, and to punish with exemplary severity those who have transgressed; and if an admiral omits, as soon as conveniently can be, after an action, to make such an enquiry, and to proceed accordingly, it ought to be considered, as a crime punishable in him. Had this been done after the infamous battle of Toulon, what a trouble and expence would it have saved the nation? and from what a load of ignominy and contempt would it have preserved the fleet? and what an advantage a strict and impartial enquiry would have been to the service, may fairly be concluded, from the effect the punishment of the like crime, the beginning of Queen Anne's war had; and from the many repetitions of the same infamous conduct we have seen in this. But no notice was taken of the most flagrant cowardice, that ever disgraced a British fleet. —Or if any notice was taken, it was not to punish, but to reward the guilty captains with the most honourable commands and lucrative cruizes, which were in the admiral's power to bestow. A conduct sufficient to corrupt a fleet, and altogether unworthy of a British admiral. Indeed admiral Mathews was pleased in his defence to make a very strange inference from this conduct, viz. that he was entirely ignorant, that any of them had behaved ill. But as he was neither

wounded

wounded in his person, nor his ship engaged any time, and the ships of many of his own division were not in their proper stations, nor near enough to annoy the enemy, Christian charity itself cannot believe him, and must put a very different interpretation both upon his conduct in the action, and his behaviour afterwards, from what he would have us. And to justify this, let it be remembered, what he said of those very captains in the house of commons afterwards, that they did fight at too great a distance, but that they were young men (tho' by the way the youngest of them was near 40, and younger than most of them both in rank and years have been since made admirals) and that he advised them privately to fight closer for the future. Tho' it might have been thought time enough to have distinguished them with his favours, when they had had an opportunity of following his advice, by doing their duty better, and engaging the enemy closer.

'Tis almost incredible, what mischief such a conduct occasioned in the fleet. I have taken notice in my former letter, what cautious maxims were spread after admiral Haddock, whose hands were unfortunately tied up, had suffered the Spanish fleet to pass him unmolested: some others, still more fatal, were at this time propagated most industriously;

It was indeed sometimes said, that so many had behaved ill, that the admiral knew not how to act; but had sent to England for directions; but the favourite topick was, that people in the fleet ought not to see the faults committed by their brethren—at least they ought not to take notice of them; but to conceal them with the utmost care—that every body was liable to errors, and another time, they, who had behaved ill, would behave better. There wanted but one step further to compleat the business, and that was to thank them, who had drawn back from their duty, for their prudent care of themselves, and their ships. The commands and cruizes bestowed upon those, who have since been pronounced guilty, looked something like this in fact, and in words it has almost been done by a court martial in England since that.

But, as the behaviour of the fleet at that battle, was the occasion of an enquiry in the house of commons, and of some very extraordinary court martials, no less reproachful to the British navy, than the cowardice of the captains in the engagement, I believe the best way to set before you the defects in our law about court martials, will be to draw some observations from the order and behaviour of the courts which sat
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upon Norris in the Mediterranean, and upon the admirals and captains in England. For what was then done, ought to be considered as precedents, which there is no law to punish another for following, and consequently ought to be set in the strongest light that an effectual remedy may be provided for the future against such iniquitous proceedings.

Some months after the engagement, there happened a dispute between captain Norris and his lieutenants, one of whom Mr. Jekyll, wrote to the admiral complaining of his captain's tyrannical behaviour, and in his letter mentioned his cowardice on the 11th of February, alledging as an excuse, that he had not complained against him before on that account, that his captain's behaviour was so notorious, that he thought the admiral and the whole fleet could not but have observed it, and that therefore there needed no particular information. The captain, who was very well, and I believe with the admiral, when the letter was brought, was suddenly taken with the gout in his head, and wrote for leave to quit, upon a wrong presumption, that a person, not actually in the service, was not liable to be tried by a court martial for any crime, tho' committed while he was in the service. This was a great mistake, and had been decided by the twelve judges

in Queen Anne's time, who had given it as their opinion under their hands, that a person who had belonged to the service, and during that time committed any crime, might, if he had quitted the service, yet still be tried by a court martial for it. However, this mistake was so general, that the whole court martial fell into it afterwards, and Norris thought himself safe, if he was permitted to quit, which was granted him—tho' on that presumption a regard either to him or the public ought to have been an insurmountable bar against granting it. And if Norris had not been conscious of his guilt, he never would have asked it till he had been tried. An innocent person would been more eager for a trial, than an accuser could have been; nay, had his health been as bad as he pretended, tho' the contrary was evident to all the fleet, and I will venture to add to the admiral himself, he would not have desired leave to have quitted, by which it was understood, he would not be subject to a court martial; but only that another might be appointed pro tempore to command his ship by order, till his health should be recovered, and he able to take his trial. But that did not suit his former conduct: when we reflect upon that, we need not be surprized, that he acted as he did. But what is really marvellous, is, that one so highly intrusted by

by his king and country, as admiral Mathews was, should so far forget himself, as to prefer the safety of an arrant coward, to his own honour, and to the interest of his king and country. Had Mr. Mathews punished the captains of his own division, who were wanting in their duty, and not meddled with Mr. Lestock, 'tis very probable his own mistakes might never have been credited by the public, but been hid by the smoak of the few guns, that he fired, which got him the reputation of the fighting admiral.

It will be but fair however to mention what was said by the friends of the admiral, and Mr. Norris, to justify the admiral, in in permitting him to quit, and taking no notice of Mr. Jekyll's letter. They thought, that the information against him ought to have been given sooner, and that an accusation against him at such a distance of time appeared plainly to be malicious, and therefore did not merit the admiral's notice. Now Mr. Jekyll did own in his letter that the accusation ought to have been given sooner, but that he thought it needless to acquaint the admiral, with what must have been apparent to him and all the fleet, and that he, and his brother officers did not question, but that the admiral would have done what was proper for the punishment of such notorious of-

fenders. This was not liked, because it looked like an accusation of the admiral himself; and I am apt to believe, if his officers had thought immediately after the action, that an accusation from them was necessary in order to have brought Norris to a trial, they would have accused him. But after so long an interval of time, they would not have complained of him upon that account, if they had not thought themselves aggrieved in other respects. But still the accusation did not deserve to be stiled malicious in such a sense, as to have it stifled. If in civil affairs, an information be given against any person, especially where the publick is concerned, the motive, upon which the informer acts, is not then enquired into; the fact is to be examined first, and, if that be proved, the information is not stiled malicious, tho' resentment might appear to be the true reason, why the information was given: it will unquestionably lessen, perhaps quite destroy the weight of the informer's own evidence, but the fact may be proved by other evidence. But a malicious accusation means, in the eye of the law, what proceeds from malice only, without any evidence to support it; and had this been the case here, captain Norris would not have been troubled with the gout in his head. He would have stood his trial, been acquitted,

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and had his accuser treated, as a malicious accusation deserved. Guilt enforced a different conduct; and the favour then shewed him points out a defect in our laws about court martials, that admirals are not obliged to hold court martials to try the conduct of their officers, when any complaints are brought against them. By a late very imperfect law about court martials, power is given to the admiral, who commands in chief, to order them to be held, and to the judge advocate to collect the evidence against the person accused; but there is no punishment added, if the admiral neglect to call a court martial, or the judge advocate take the depositions partially, in order to screen the criminal; so that a person may offend very notoriously and momentuously, and yet be secure of being acquitted, if he has either the commander in chief, or his secretary, who generally acts as judge advocate, for his friend; and as a person cannot be tried twice for the same fact, some care ought to be taken to oblige the admiral, the judge advocate who collects the evidence, and the court martial to do their duty to their country in their respective charges, by collecting the evidence of the fact with care and impartiality, and giving sentence with candor and justice.

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But after this, what must captain Norris do? He had a family, his circumstances but indifferent; the clamour against him so strong both in the fleet and England, that he could not hope to be soon employed, unless he was tried and acquitted; his guilty friends advise him to stand a trial, and assured him that their interest would bring him off, which they thought would be a screen to themselves and prevent any other lieutenant from being so saucy as to accuse his captain. Necessity seconds their advice, and he consents to write to England for an order to be tried to clear his character, and enters a volunteer on board the Marlborough, that according to the mistaken notion, that prevailed in the fleet, he might be capable of being tried by a court martial. But this was a step he took with fear and trembling, as his behaviour afterwards demonstrated.

Mr. Mathews had some time before this step resigned the command of the fleet, to vice admiral R—, a gentleman, who in every other respect during his command acted with great prudence and conduct, and really deserved the thanks of his country; but here unhappily he shewed a bias very blameable in a general and a judge. There had subsisted a great friendship between Mr. Mathews and
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Mr. R—; it may be supposed that Mr. Mathews had recommended Norris strongly to Mr. R—, who besides had a great regard for Sir John Norris; and was too intimate likewise with some captains, who were as guilty as Norris himself. All these motives influenced him to connive at some things perhaps, and to be more tender in this affair, than for his own and his countries sake he ought to have been, which unhappily drew upon him the vote of your house, that the proceedings in this trial were partial, arbitrary, and illegal.

While an order for Norris's trial was expected from England, he obtained his discharge from the Marlborough; the event was too doubtful for him to be under the jurisdiction of a court martial, which he thought he was not, if he was only upon half pay; and afterwards he thought he might act, as he should see his judges inclined, and his witnesses swear: for every method was taken to influence many of the common men of the Essex, the ship, which he had commanded, to give such an evidence, as would be favourable to him, a thing, which they, who are acquainted with the thoughtlessness of seamen, will believe to have been very practicable: and, when the order for his trial arrived, letters from England were produced

produced by Norris and his friends, which positively said Sir John Norris was in high favour with the king, and at the head of the admiralty.

As soon as the order for his trial was received, notice was sent to captain Norris, that he might prepare for it; and to the captain of the Essex, that he might cause the order to be publickly read; that all, who had any thing to accuse captain Norris of, might offer themselves. The other three lieutenants, the master, and some other gentlemen of the Essex, wrote to the vice admiral, that they were ready to give evidence against him: And Mr. Jekyll wrote, that he had already given in an accusation to admiral Matthews, against him, which he was ready to make good. Their depositions were taken, and a day appointed for the trial; but no person was summoned from any other ship.

When the day of trial came, it was said by some of the court, that as captain Norris did not belong to the service, he could not be tried by them: And the order, tho' expressed in the usual form, for holding court-martials, having some ambiguity in the words, they took a most extraordinary and illegal step; they resolved they would not try him, but only hear the complaints against him, and

and his defence, and report them to the admiralty; and, instead of taking the usual oath, to hear and determine, another was imposed, to hear and report the cause, without giving their own opinion of it.

This was, perhaps, a step further than Norris desired; he wanted to have had this excuse in reserve, to have pleaded, if he had been condemned, that he did not belong to the service, and therefore was not to be tried by a court-martial; but had the court acquitted him, he would then willingly have acquiesced to its jurisdiction; had he been sure of his innocence, he might have found a way to have satisfied all their scruples, by entering as a volunteer on board any ship in the fleet; but notwithstanding all the care that had been taken to manage and tutor his evidence, and to influence the captains, by the report of his father's being at the head of the admiralty, &c. this was too hazardous a step; and indeed the truth was very stubborn. Some circumstances appeared, even from his own evidence, that made the accounts sent by the court to the admiralty, shew very plainly his guilt, and their partiality. After this extraordinary and illegal step, Mr. Jekyll was summoned; he came, but refused to be sworn as an evidence: He said, he looked upon himself as the prosecutor, and therefore, his evi-

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dence was not to be taken ; but he thought he had a right to call such witnesses, and propose such questions to be asked by the court, as he should think necessary to prove the charge. He likewise desired leave, to except against two members of the court, for using illegal means to entice men to swear on behalf of Norris. Upon which a debate ensued, whether Mr. Jekyll was to be considered as the prosecutor, and whether, he should have liberty to call witnesses, and propose such questions, as he thought proper ; but, as the court was held in obedience to an order from the admiralty, granted to Norris's application, it was determined, that he had no right to call and examine witnesses, but only to give his own evidence. Then it was debated, whether he might not be compelled, to be sworn and to give his evidence ; but Norris's friends very readily waved that, since a material evidence against him would be suppressed. And, as he was only considered as an evidence, he was not to be permitted to propose objections against any members of the court martial. Being called in, and acquainted with the resolutions of the court, he still refused to be sworn, and was dismissed, and Norris was sent to, to know, whether, since Mr. Jekyll refus'd to be sworn, he would have the enquiry go on? This

was in the plainest manner, to acknowledge Jekyll to be his accuser; nay, it was making him the only accuser: and can it then be doubted, whether he ought to have had the privilege of a prosecutor? and if a prosecutor be not allowed to summon witnesses to prove what he alledges, he may be single in his charge; and the criminal, having the right to call what witnesses he pleases in defence of himself, must always be acquitted by numbers: I believe Jekyll was in the wrong to refuse to be sworn, since in criminal cases the prosecutor is always admitted as an evidence, the prosecution being carried on in behalf of the crown; but I cannot but think that he ought to have been allowed to summon such witnesses, and propose such questions to be asked, as he thought necessary. 'Tis true, the court martial was held by an admiralty order, granted upon Norris's application; but was not this in order to clear his character from the aspersions that had been cast upon him? and had not Jekyll been his only accuser in form? his character could not be cleared, unless his accuser was allowed to endeavour to prove his charge, and Norris invalidate that proof. Could Mr. Jekyll have had the liberty of calling what witnesses he pleased, to support the charge, and proposing proper questions to be asked of the evidence, so
many

many officers of other ships might have been summoned, nay most of the judges themselves might have been appealed to as witnesses against captain Norris; that the evidences against him would have been more in number as well as credit, than those he had procured for him; and such questions might have been asked of Norris's witnesses, as would have made their testimony contradict itself, and their perjury apparent. As to Mr. Jekyll's objecting against any members of the court martial, whether that be legal, I know not. A person may object, I believe, against a juryman, but I never heard of any objection being made against a judge, and captains in a court martial are judges rather than jurymen. But if it be legal, and had been allowed, he would most certainly have been able to have proved, that some of the members had used methods unworthy of their stations and characters, and which disqualified them from sitting as judges.

Jekyll's evidence being thus frustrated, and the court having most complaisantly sent to Norris, to know whether he would have the enquiry proceed, he and his friends were in high spirits, looking upon this beginning as an happy omen, and he desired that the court would proceed in the examination.

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It will not be amiss in this place, to take notice, in what manner depositions in sea trials are taken. Before the day of trial, the witnesses against the person to be tried give their evidence to the judge advocate, which he takes down in writing; this, being done in private, not in an open court, gives the advocate, who, if the trial be abroad, is generally the admiral's secretary, too much power of favouring the accused person, if he pleases, by softening or palliating the evidence. Afterwards, on the day of trial, the witness is summoned into court to hear his deposition read, to swear to the truth of it, and to answer truly to such questions, as the court shall ask him. But 'tis very possible, if the deposition be only part of what he knows, and told the judge advocate, yet thro' modesty, fear, or ignorance, he may not have the courage to say, this is only part of what I gave in evidence, such and such things should be added. And, when he is asked a question by the court, he is to confine his answer to the question only, and is not permitted to illustrate his answer by such circumstances, as he thinks proper; so that, tho' he may tell the truth, he may not tell the whole truth, and his evidence, tho' not false, may yet place things in a very wrong view; and as these depositions were taken some days before the

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trial, captain Norris was perfectly well acquainted with their contents, and could instruct his witnesses accordingly. Nor is there any law against a judge advocate for partiality in such cases.

The lieutenants and officers of the Essex, who were witnesses against Norris, were examined first, and their evidence was not only full, clear and consistent, but agreeable to what the greater part of the court knew in their conscience to be true. Then the witnesses for Norris were examined, many in number, but most of them common men. All the gentlemen, that I recollect among them, were lieutenant colonel Crosby, whose daughter captain Norris had married, and a lieutenant of soldiers. There was besides, I think, the gunner of the ship. All the rest were either common men, or midshipmen of captain Norris's creation, and what credit their testimony deserved, will appear from this part of their evidence, they not only swore, that their captain behaved well in the action, but that they did not hear any murmuring against his behaviour either on that day, or for near two months after, till he and his officers differed. A thing so notoriously false, that not only the court, but even you in England could have disproved; since by many letters sent to England, he

had

had been greatly complained of, whether with justice, or no, was now to be tried ; but that complaints against him had been made was so notorious, that neither his witnesses, nor the court, could possibly be supposed to be ignorant of it. For after the action, till he resigned, he could not pass by a ship in his boat, without being hissed ; when his boats were sent ashore, tho' he was not in them, the crews were insulted, frequently beat, oftner than once in the presence of admiral Mathews, and their constant answer was, they could not help their captain's cowardice ; what credit then did their testimony deserve ? or what must we think of a court, that heard this evidence given, without taking proper notice of it ?

When the lieutenants of the Essex saw the numbers that were brought to swear Norris off, they wrote to the court to desire, that they also might have the liberty to summon witnesses. But it was refused to them, as it had been to Jekyll. And the lieutenants of the Marlborough wrote to desire, that they might be permitted to give their evidence, which they thought themselves qualified to do, lest the just and honourable designs of the lieutenants of the Essex should be baffled. But the court was of opinion they ought not to be admitted, since their letter was not

delivered till the 4th day of the court's sitting, and they seemed, by the words of the letter, to prejudge the cause.

It was very industriously said both here and at the court martial at Deptford, that a court was more to be guided by the number of the evidence and by what they swore, than by the character of the evidence or what the court themselves knew to be true from their own observation, than which nothing can be more absurd. If a man swears a thing to be fact, which any one of the judges knows to be false, the judge not only cannot believe him in that particular, but he has just reason to reject his evidence in every other respect; and, if I mistake not, I have read of judges, who have come from the bench to be sworn as an evidence to some particular circumstance, and then returned to the bench again.

But what is most to be lamented, is, that there is no law now in force likely to prevent this dreadful evil of perjury. Indeed there is an act of parliament made in 1745 upon this very account, but, with submission to so high an authority, 'tis not calculated for seamen, and altogether useless to the end designed; for by that it is enacted, that all, who are guilty of wilful perjury, or of suborning thereto at court-martials, are to be prosecuted
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in the courts of Westminster, and punished according to two acts of parliament made one in the 5th of Elizabeth, and the other in the 2d year of his present majesty. But are not the persons who are most likely to be guilty of this, generally thoughtless drunken seamen, who look no further than the present, and for a little money and drink will be prevailed upon to say any thing which is not attended with immediate punishment? Is it to be supposed, that such will be deterred by a punishment so remote, and indeed so unlikely to be inflicted? for the persons, for whose sake they are perjured, are generally delinquents against the crown: who then is to prosecute them? are they to be kept in chains till they are brought to England? that would be burthensome and inconvenient to the publick service, and might be hard upon them not if they are guilty, for then no punishment can be too severe; but an innocent person may be accused, and if he is not to be tried, till he is brought to England, and kept in chains till then, he may lose his life. Or, if they are to be set at liberty, who are accused of perjury, how is a vagabond seaman to be found, when he comes to England? will the attorney general think it worth his while to seek after, and prosecute him? or would any end or purpose

be served by putting him in the pillory, or in prison, three or four years perhaps after the crime was committed? the only way to deter a thoughtless seaman from perjury is present exemplary punishment; as the principles of religion are the most powerful preservative against it in the heart of a thinking and considerate man.

The examination ended, the whole proceedings were sent to the admiralty in England without so much as the court's opinion of it; which was another instance of their partiality in his favour. Most of the court had been eye witnesses of Norris's behaviour, and therefore no evidence could be sufficient to make them believe contrary to what they knew; they likewise were well acquainted with the credit of the evidences, and what weight the testimony of each ought to have; but the lords of the admiralty were strangers both to the fact and to the witnesses; the depositions too long and tedious to be read by them, and as they were expressed in the sea terms, in which most of their lordships were not versed, utterly unintelligible to them. They had no way to judge of the truth, but by the number of the evidence for and against Norris, and consequently must suppose him innocent, when

when the court in their conscience knew him to be guilty.

I don't intend, sir, to go on in the same method, and give you a journal of what past at Chatham and Deptford. The transaction in general is very well known; I shall only point out some particulars, most of which are very notorious, and all of them true, in order to illustrate the deficiencies in our laws about court martials.

The expence was excessive to the nation, partly from the multitude of witnesses, which were called home from the Mediterranean, and were obliged thereby to resign their ships to others, which occasioned a vast increase of officers; the witnesses expences were likewise to be paid, while they waited upon the court——partly by the number of captains, who sat as judges, who by the custom of the navy most all have the command of ships to entitle them to sit as judges; and as many of their ships were sent to cruize during the time, there was a necessity of appointing other gentlemen to command them pro tempore. The long time the trials continued is another very obvious particular, occasioned partly by the nature of sea trials, and the manner of giving evidence in them, and partly by the number of unnecessary witnesses,

witnesses, I will venture to call them, which were examined.

The length of time between the action and trial was a very great hardship upon the evidence, since they were asked about many things, which must in great measure have flipt their memory, and consequently made their testimony appear more uncertain and imperfect.

The nature of taking the evidence by writing, and in private, gave great opportunities of being partial; and as the witnesses when they were examined in court, were only permitted to answer the particular questions which were proposed by the court, and not to give a relation of all they knew concerning the matter in their own way, their evidence, tho' no part of it might be false, was yet very far from making the truth appear in its proper light. This is, what I have heard several gentlemen say was their own case.

Many common men were summoned in behalf of their captains, whose perjury was sometimes so flagrant, that the court thought fit to order the act before mentioned against perjury to be read, which had just as much effect, as could be expected from it, i. e. none at all; and yet the number of witnesses

nesses sworn, tho' their veracity could not but be suspected, was urged as a sufficient reason to reject the evidence on the other hand, tho' given by persons of credit, who had something to lose, and could not so easily be bribed as the others. It will be but justice to observe, that old captain Williams called very few witnesses, and was very sensible of his fault; that the captains West, Cooper and Loyd owned their breach of orders, and urged as an excuse the necessity of disobeying them for the preservation of the fleet; and that captain Sclater rested his cause upon the evidence summoned by the crown without calling any of his own, and was honourably acquitted.

The captains, who were censured, seemed to think it a sufficient justification of themselves, if they could prove, that they were during any time of the engagement within point blank shot of the enemy, whereas, if they had been all the time of the engagement just within that distance, they would yet have deserved death; since they could not so far off do their duty; or, if they had been for a little time only within pistol shot, and had not continued the engagement closely, they might have been equally guilty. Tho' some of the captains were convicted, and declared by the court not to have done their

their duty, by which the enemy escaped; and tho' the nation had been at such a vast expence to obtain justice, yet they were only broke, and not condemned capitally, in consequence of a latitude given to court martials, that persons, who have offended, should be punished with death, or otherwise, as a court martial shall think fit. This puts it in the power of a court to shew favour to their friends, without being punishable for it, and is such an asylum to men of interest, that 'tis hardly possible, that ever any such should be capitally condemned. I have already observed in my former letter that it is very reasonable, that men of interest and family should be preferred to others, *cæteris paribus*; but in the execution of their duty, no distinction should be shewn; or if any difference be made, they ought to be punished with greater severity, and loaded more conspicuously with ignominy, as they have abused the honour their country has done them, and brought a blemish on their family and relations.

Its true, circumstances may alter the nature of an action very much, and consequently the punishment due to it; but here there were no alleviating circumstances to be alleged, but very many, which aggravated their crime. And there are some crimes of
such

such a nature, that the punishment may easily be ascertained. As keeping back from an enemy in battle—running away from an enemy of equal force—disobeying in the time of action orders, or signals of consequence. One would think there can be no doubt, whether these, or such crimes as these, should not be punished with death without leaving it in the power of the judges, to punish the criminal in a milder manner. If any thing favourable to the accused person appears, which may alleviate, tho' not justify, the crime, it will be sufficient, that the court martial have a power to represent the case with all its favourable circumstances to the king, who is the fountain of mercy, as well as honour, and to suspend the execution of the sentence, till his pleasure be known. This, I believe, is all the power, that the judges in civil cases have, and I have never heard of any inconveniences, that have arisen from it; and such a restrained power would be abundantly sufficient here, where severity is much more necessary than in civil affairs; for there punishments are made the sanctions to laws, obedience to which is for the most part easy and natural, and therefore more gentle persuasives may be used; but here, sanctions are added to force men sometimes to act

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against

against nature, and to despise death, and run into danger, and therefore punishments annexed to the disobedience of them should be the more violent and explicate, and displayed in all their terrors, in order to give them force sufficient to answer the end designed. Only, if by accidents of the sea or weather, it be made appear, that it was impossible for a captain to attack the enemy, or obey a signal, or to do what was required and expected of him, then the sentence ought to be, not that he did not, but that he could not, obey orders, and perform what was allotted to him. This will sufficiently vindicate his character.

There seemed to be something preposterous in trying two admirals of Mr. Mathews's and Mr. Lestock's age, dignity, and reputation by a court consisting mostly of young captains. In the army I am told general officers are tried by general officers, and it would have been much more suitable and solemn to have had two officers of their rank tried by admirals, than by captains, who, considering how lately they were made such, might be justly diffident of their own capacity, in judging the conduct of two commanders, whose skill and abilities were, till that affair, so universally acknowledged. I am as much prejudiced against these court
martial,

martials, as any man, and am convinced, they neither did their country, nor the corpse, they belonged to, justice; but I own, I think it a very strong excuse in their behalf for not punishing one of the admirals more severely, that they would not venture to pronounce so peremptorily sentence upon the conduct of officers, whose character and experience were so confessedly superior.

From this account of the two court martials, and the observations I have made upon them, I believe it will appear that there are several defects in our laws relating to them—

* There is not a sufficient power vested in commanders in chief for calling court martials, by which persons accused are sometimes kept unreasonably long in confinement to the great prejudice of their health, and sometimes when they are innocent—The laws in being do not give sufficient satisfaction to persons, wrongfully, wantonly, or maliciously accused—Commanders in chief are not enjoined after any action to enquire into the conduct and behaviour of captains under them, that they may reward them who have behaved well, and punish them, who have been wanting in their duty—There is no law against the partiality of

* This defect is remedied by a law made soon after this letter was wrote.

judge

judge advocates, nor against suppressing of evidence; nor are the laws sufficiently strong, nor properly calculated against perjury, or suborning of witnesses. — The manner of giving in the evidence in writing privately, and not viva voce in court, and the witnesses being permitted in public only to acknowledge their written depositions, and to answer to such questions, as the court shall ask them, without giving a narrative of the fact in their own way and manner, give room for great partiality, and often occasion the evidence to be very imperfect, and the truth to be greatly misrepresented.

* The number of captains, who sit at a court martial, and the necessity of their being actually commanders of men of war, and not upon half pay, is not only very expensive, but may be detrimental to the public service; by detaining the ships they command from being employed against the enemy. — The great number of common men examined as witnesses, protract the time, and are the occasion of much perjury. And the power given in most cases to court martials to inflict what punishment they think fit, is

* This is in some measure remedied by a clause, in an act mentioned in the postscript, where the number is fixed to be not more than nine, nor less than five.

too manifest a refuge to men of interest, and highly hurtful to the public.

To remedy which inconveniencies, be pleased, Sir, to consider, whether some such regulations, as these that follow, might not be of service.

I. That * every commander in chief of a squadron may, by virtue of his command, whether invested with it by the lords of the admiralty, or by the death of his superior or senior officers, without any separate particular commission, have a power of summoning court martials, as often as shall be necessary, and perhaps it would not be amiss, that lieutenants, who had served three or four years as such, might be admitted to sit at the court martial with captains (as subaltern officers are at court martials in the army) where the rank of the officer to be tried is not above that of a private captain, and that every captain of a forty gun ship and upwards have a power to hold a court martial on board his own ship, where the commission and warrant officers are to assist, for the trial of all petty offences, committed by persons under the degree of a warrant officer, and for the determining what degree of confinement is necessary, or relaxation may be allowed, to

* This power was given by the law before alluded to.

any officer, who is accused of any crime, until he can be tried. Provided however, that, if the captain of that ship be in company with any superior or senior officer, he ask his permission for the trial of all petty offences committed by persons under the degree of a warrant officer, and acquaint him with the sentence, as soon as it is past, and that, the sentence shall not be executed without his, the senior's, or superior's approbation; and if it be to determine what confinement is necessary, or liberty may be allowed to any officer accused of a crime, until he can be tried, the officers of the other ships in company, may have the same right to sit at the court martial, as the officers of the ship, to which the accused belongs.

II. That every commander in chief after an action, be enjoined, as soon as the public service will permit, to enquire into the behaviour of his captains, and to reward such as have done their duty, in an open and solemn way, and to try such, as are accused of neglect or cowardice, and pass sentence, as the cause shall require, and that every neglect hereof shall be punishable in the commander himself.

III. That, if any person shall accuse another of neglect or cowardice, he may have liberty to summon what witnesses, under a restriction

restriction hereafter to be mentioned, and to propose what questions, he thinks proper to support his charge, and that the court likewise be enjoined to see, that justice be done both to the king and prisoner. But that, if the charge appear vexatious or malicious, the accuser be punishable in the same manner, as the accused would have been, if he had been found guilty, or in such other manner as the legislature shall think fit. But this is to be understood only, where the prosecution appears to be entirely groundless, and malicious: where there are strong appearances of guilt, tho' they may prove false, and the accused be acquitted, yet the accuser may be innocent.

IV. That both the prosecutor and the accused may have liberty to except against any of the judges, for suborning of witnesses, or marks of partiality before the trial, and that such allegations be examined and considered previous to the trial, and sentence past accordingly.

V. That the judge advocate be required, under severe punishment, to be impartial in collecting the evidence, and that all suborning of witnesses, or suppressing any part of the evidence be punished immediately, and in an exemplary manner; and that the better

to prevent any partiality, every witness be permitted to give his evidence viva voce in the open court, and to tell his story his own way.

VI. To prevent any unnecessary expence or detriment to the publick service by detaining many captains at a court martial, that the number be fixed * to five, six, or seven, and where there are more officers than that number, qualified to sit at a court martial, that they may be chose by ballot, not by the admiral or commander in chief; and that every unfair method used in the balloting be punishable in the same manner, as suborning of witnesses.

VII. When a captain of a man of war is accused of neglect or cowardice in an action, there, to avoid tediousness and perjury, only commission and warrant officers, and the mates, and midshipmen upon the quarter deck and men at the helm, in that ship, and in other ships adjoining shall be summoned as witnesses; for it must be presumed that they are competent in number and the best qualified to give an account of the captain's conduct and management of the ship. However it may be allowed, upon a representa-

* By the law before alluded to the number is fixed from 5 to 9 by seniority.

tion of either the prosecutor or accused, that any other person, who by his station or any other accidental circumstances, has had an opportunity of a more exact observation, may be admitted an evidence. This would prevent such long trials, as we have seen in the Mediterranean, and at Deptford, and can not hurt the innocent, tho' it would effectually prevent the artful delays of the guilty. But this is only to be understood, when the management of the ship is in question, and not in private quarrels and disputes; in the former the officers must be sensible, and judges of what is done; in the latter they may be absent, and ignorant, and they must be admitted witnesses, who were present, and can give an account of the matter in dispute, be their station what it will.

VIII. That it be expressly declared that all persons are triable by court martials, tho' they have quitted the service, for things done while in the service.

IX. That the punishment of every crime be explicitly declared by the legislature, and that the court be sworn to pronounce sentence, as the fact shall appear to, or be known by them to be true; but they shall have no power to alter the punishment; only, if any favourable circumstances shall appear,

they may represent the same to his majesty, and suspend the execution of the sentence, till the royal pleasure be known.

X. If any commander or captain be convicted of cowardice, or notorious neglect of duty, part of his punishment always, and irrevocably to be, the loss of all the prize money he has received, or is entitled to from merchant ships during the war, agreeable to what is said in the former letter.

XI. An admiral to be tried only by admirals and old captains.

XII. If any person be guilty of perjury, and can be convicted, he shall be punished immediately with corporal punishment if below the rank of an officer, and if an officer, be broke, fined, and imprisoned, and otherwise as the law shall declare. Tho' in truth the best way to prevent perjury, is to encourage religion. That will place a sentry on every man's heart, and a guard upon his lips; that will inspire him with courage in the field, with probity on the bench, and with truth at the bar.

I am,

Sir,

Your most obedient servant.

P. S. Just as I had finished my letter to you about court martials, I received the copy of the bill now passed your house about them, which you was so kind as to send me; tho' remedies are provided against some of the inconveniencies mentioned in the above, yet many more remain still to be rectified. Permit me to add my remarks upon it.

The inconveniency of commanders in chief abroad not having proper power to hold court martials, when there is occasion, is fully remedied. But commanders in chief are not enjoined by it to enquire into the conduct of their captains after any important action, which surely would be an addition of no small service to the public. An admiral would not venture to pass over any notorious cowardice or misconduct, if the law had made that neglect criminal in him; and every captain would be more afraid of transgressing, if he knew, that he must be immediately tried and punished for his fault. It is to be wished that power was given to hold petty court martials on board single ships for the trial of small offences, as mentioned above.

The inconveniency and expence attending so many captains sitting at court martials are remedied by that paragraph which limits the

number to not more then nine, nor less than five; allowing masters and commanders to sit where there are not post captains enough, is very right.

That the court should continue sitting *de die in diem*, and the captains not go on shore till the trial is ended, is a very proper regulation; but I must add, that, when the captain's conduct in an engagement is to be tried, it would both shorten the trial and prevent perjury, if only commission and warrant officers, the midshipmen on the quarter deck, and the men at the helm were permitted to be witnesses, both in the ship, whose captain was called in question, and in the other ships of the fleet, which were near enough for their officers to be judges or competent evidences in the matter, leaving only a power to the court to admit one or two more, or a few, who by their situation might be able to see, and explain something very material in the action.

To enact, that perjury at court martials should be punished in the king's bench will never prevent it. A seaman does not look so far before him. Religion and immediate punishment are the only ways to hinder it. If you would prevent it effectually, a power must be given to the court to proceed upon the trial of
every

every person so guilty immediately, and to inflict some exemplary punishment upon the offender, as soon as convicted.

There is no punishment enacted for the suppressing of evidence, which has most shamefully been done both at home and abroad, nor any alteration with regard to the manner of taking the evidence.

The judges are sworn to determine according to the rules and orders of the navy, and if any doubt shall arise, according to their conscience, the best of their understanding, and the custom of the navy in the like cases. If by the custom of the navy lately practised, no captain can be shot for cowardice, let it be never so flagrant, or the consequences of it never so fatal to his country: I take upon me to say, that justice will never be impartially administered at court martials, unless the punishments to be inflicted upon crimes, especially upon great ones, be as explicate as the nature of the thing will bear. It may happen, that where the cowardice is very flagrant, a man of interest may with great difficulty be broke, after he has acquired a fortune in the service by the capture of defenceless merchant ships, sufficient to enable him to set up his coach, buy a borough, get a snug place and laugh at the world. Break-

ing to men of his virtue and merit is no punishment; he looks upon it as a lucky circumstance, which delivers him from the fatigues of the sea, and danger of the enemy. And therefore it would be a wise regulation, if, when captains were to receive any prize money for the taking of merchant ships, they should, as mentioned in the first letter, be obliged to give security for it; and if at any time during the war they should after that be broke or condemned to death for cowardice or disobedience of orders in an engagement, all their prize money so gained should be irrecoverably forfeited to the public. As the matter now stands, if a captain runs away, as an engagement is beginning, and only stands within sight of the flash of the guns, he is as much entitled to prize money, as an Haddock, a Cornwall, or a Greenville.

Permit me, Sir, to refresh myself with the memory of those illustrious persons, whom you have often heard me mention with honour. After having had two just occasion for blame, the recollection of such exalted merit affords a pleasing entertainment to the mind; it is like a fine road, and a delightful country to a traveller, after he has been

been shocked and fatigued with bogs, precipices, and barren heaths.

Mr. Haddock commanded the Grafton in Sir George Byng's engagement with the Spaniards off Sicily, where he behaved with the greatest bravery and conduct; for as soon as he had disabled the first ship he attacked, he left that to engage a fresh ship; in this manner he disabled several of the enemies ships, without being ambitious of the glory of taking them himself, which he left to others, having first effectually prevented their sailing away. During the time, that he commanded in the Mediterranean, he behaved with the utmost integrity, unfullied even with a suspicion of any mean gain; glad to see, and ready to applaud and promote merit. I have before observed, that I have reason to believe he had restraining orders, which obliged him to suffer the Spanish fleet to pass unmolested through the straits of Gibraltar; it was his duty to obey; for he might reasonably presume, that those orders were sent in consequence of a near prospect of peace; but, when he found that was not the case, and that he was made a tool to some other interests, than those of his country, he never enjoyed himself; a less delicate sense of honour would have supported itself with the thought
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that he obeyed orders ; but he could not be satisfied with that, tho' such was the esteem all men had for him, that I never heard of one man, who suspected either his courage or his probity. The disorder occasioned by this was fatal to his country, as well as to himself ; for had he not been ill, 'tis probable, he would have been continued in the command ; and another conduct and example in the commander, might have been crowned with very different success, had there been an engagement, from what happened at the battle of Toulon.

Captain James Cornwall commanded the Marlborough in that engagement. Before the battle, he ordered his officers to engage the enemy so, as to take off the greatest part of the fire from admiral Matthew's ship, whose second he was ; ' for, said he, our ship
' is not of that consequence in the engage-
' ment, which the admiral's is, to the pub-
' lic service, and therefore by taking off most
' of the enemies fire from him, we shall best
' perform our duty to our country.' His orders were obeyed ; the Marlborough attacked the Royal Philip with the spirit of an English man of war, and the admiral favoured his design more than he expected ; for after firing a few shot, he sheered off,
and

and left the Marlborough to engage the Royal Philip of 114 guns and a ship of 64 for near four hours, (and part of the time another ship of 74 guns) without either assisting it himself, or ordering any of the idle ships of his division to its assistance. The brave captain was killed, after the ships had been engaged two hours; but even his death did not damp the courage of the officers and seamen, they were resolved to sink rather than to strike, tho' forsaken by their friends, and so greatly overpowered by their enemies. His gallant behaviour merited the honour your house has done him, in desiring that a magnificent monument should be erected to his memory at the public expence.

Captain Thomas Greenville commanded the Defiance in the engagement with the French in the channel, under the command of admiral Anson, and was killed. He had such a grace and dignity in his person, that he commanded the respect of all who approached him, and such a sweetness and affability of temper, that all, who knew him, must love him. His fine sense was improved and polished both by men and books; for tho' young, he had a considerable share of learning, being well skilled in the Latin, Greek,

Greek, French, and Italian languages, and having read many of the best books in several sciences, besides those which belonged to his own profession. When he was mortally wounded, he said, 'it was better to die so, than to hold up an hand at a court martial, even tho' acquitted.' When notice was brought to him below, that the enemies ship, with whom he was engaged, had struck, some of the last words he said, were, to desire that the prisoners might be treated with humanity. Had providence been pleased to have prolonged his life, he probably would have been as great an honour to his profession, and bright an ornament to his country, as England has produced.

Dûs aliter visum est!

Forgive me, Sir, this digression. Praise is due to their memory, from every lover of his country; 'tis all we can now give them.

His saltem accumulem donis, hoc fungar inani munere——

L E T.

LETTER III.

Of GIBRALTER and MINORCA.

Wrote in the Year 1748.

Reflect, Britons, in what you cannot be ignorant of, with how much zeal for your liberty, and regard for your honour, you formerly suppressed the growing power of SPAIN ; I remind you of this, that when you consider, how much your valour contributed to restrain Spain, and your inactivity to the success, which the FRENCH arms have lately met with, you may be sensible, there is nothing which you ought not to expect from your vigilance, or to dread from your insensibility.

DEMOST. Phil. I.

Urbem venalem, et mature perituram, si emptorem invenerit !

SALUST.

LETTER III.

OF GIBRALTAR AND MINOR CA.

Wrote in the Year 1748.

Reflect, Britons, in what you cannot be ignorant of, with how much zeal for your liberty, and regard for your honour, you constantly supplied the growing power of Spain; I remind you of this, that when you consider, how much your valour contributed to restrain Spain, and your activity to the success, which the French arms have lately met with, you may be sensible, there is nothing which you ought not to expect from your vigilance, or to dread from your in-
Dames. Phil. I.
L'Esprit venale, et l'insolence perilleuse, si emp-
SALUT.

S I R,

AFTER having already wrote to you two very long letters, what apology can I make for troubling you with a third? but the conversation, we had about Gibraltar and Minorca, made such an impresson upon me, that I could not help thinking more seriously about these important places, than perhaps otherwise I should have done, and was tempted to put my sentiments in writing, being desirous to know, whether you think my opinion is founded on good grounds.

I have not, Sir, found fault any where for the pleasure of finding fault, or of censuring others; I have no where mentioned inconveniencies, which I thought could not be remedied, and if any thing is wrote, which may seem to reflect upon others, it is only, when the mischiefs or inconveniencies consequent upon it, can be remedied, or where the wickedness is so notorious, that
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it cannot be thought a scandal to publish it. When men are above shame, to speak of their faults can be no scandal; and where the public can be served by a bold truth, love of our country requires that truth to be told, and our tenderness of private persons to give place to our regard for the public. You, sir, as a senator, may have an opportunity of redressing your country's wrongs, when you are acquainted with them; but, as many of them cannot possibly come within the compass of your own view; in order to know them, you must add the observations of others to your own; and by comparing what others have said, about matters, which have not at all, or very little been the objects of your own knowledge, you may be able to form a better judgment, what is most proper to be done, than even those persons themselves, who separately have furnished you with the hints, upon which your judgment is founded. As a man by his reason is enabled to make use of the powers and faculties of beasts, birds, and fishes, and even of the virtues and properties of trees, vegetables, seeds, metals, and of inanimate matter in general, for his own ease, pleasure and conveniency, by which he can effect more than the strongest elephant,

and

and go farther than the swiftest eagle ; so a wise statesman, by happily directing and using the labour of the husbandman, the skill of the mechanic and artificer, the wisdom and ingenuity of the mathematician and philosopher, the wit of the scholar, and the bravery of the soldier, soars, as it were, to a superior species, effects, what to them separately might seem impossible, and diffuses strength and vigor, harmony and magnificence thro' the state.

These two important places were ceded to us by the treaty of Utrecht ; but neither at that time was there sufficient care taken to make the possession of them as secure and advantageous to the government, and as useful to the nation as they might have been ; nor has that oversight been since remedied by any succeeding ministers ; nor the steps taken which prudence would naturally suggest, to perpetuate the possession of them to Great Britain, and to lessen the expence to the crown, and make them as valuable to the nation in general, and as comfortable to the inhabitants in particular, as they might have been made.

Now, tho' the possession of both these is greatly advantageous to the nation, yet, of the two, Minorca is by much the most valuable ;

able ; not only as it can be kept with greater ease, and has one of the finest harbours in the world, but also, because it gives less umbrage to Spain, with whom it is our interest to live upon good terms. You will see by the map, that Gibraltar is situated upon the continent of Spain, at the mouth of the Straits, in a fine climate, an healthy country, and where there is most excellent water ; and consequently extremely convenient for ships going up, or returning from the Straits, to stop at, water, and refresh their men. And as it is opposite to the Barbary shore, and but a few leagues distant from it, must be of great service to our ships, in affording them a sanctuary, when we are at war with those piratical states, which always will be the case, when they think, they can get any thing by breaking with us ; but as this is very near their territories, our men of war from Gibraltar can fall upon them suddenly, and consequently keep them in such awe, as will make them afraid to break with us. But, when our ministers obtained this for the crown of Great Britain, they should likewise have insisted upon a small territory adjacent to it, not only for the conveniency of supplying the garrison with fresh provisions, but likewise to make the harbour more secure and safe to
the

the ships that ride there; for want of this it is like a great man of war at anchor, and the garrison are confined to the town, not being permitted to go into the country upon any account; and tho' it be a secure retreat against the Moors, 'tis by no means so against the Spaniards, whose batteries can annoy almost the whole harbour, so that hardly any ship can lie there in safety. To say the truth, our ministry never acted, as if they intended to keep possession of it; but as if they only waited for a proper opportunity to deliver it up. I have been informed, that his late majesty wrote a letter to the king of Spain with his own hand, in which he promised to restore it; but, upon finding how disagreeable it would be to his people, excused himself from performing it. Our possession of it must undoubtedly be a great eye-sore to Spain, between whom and us, it is our mutual interest to cultivate a strict friendship. Suppose the Spaniards were masters of Plymouth, would the British nation ever be easy, till they had recovered it out of their hands? If therefore, some place, equally advantageous to us, and less invidious to them, could be given for it, undoubtedly it would be our interest to agree to an exchange; but still that minister would deserve to lose his head, who

should omit any steps, that are necessary for the preservation of it, till such an equivalent can be had. I have heard Ceuta or Oran mentioned, but they would engage us in a continual war with the Moors, who are too strong for us totally to extirpate or subdue, and too poor for us to gain sufficient by any advantages we might have over them, to reimburse us in the expences of the war, and consequently, neither of these places would be at all eligible. An Island would be best, as most easily defended; and if there be a good harbour in the Canary Islands, one of them would be as useful to our East and West India trade, as Minorca is to our Straits trade.

But till such an equivalent can be found out, and an exchange agreed upon, it is to be wished, that the place was made as agreeable and easy to the inhabitants, and the possession of it as little expensive to the nation as possible. The governors have too frequently acted in a more arbitrary and tyrannical manner, than would have been permitted in Turkey; their power being restrained by no civil jurisdiction, is unlimited, except with regard to life and death, and the governors have often exerted it with impunity so far, as to commit actions, for which a Turkish bashaw would have lost his

his head. You have heard of the Jew who was kidnapped by one governor, and sent to Barbary, with this message from his British excellency, to the Moorish bashaw, that he had sent him a fat goose to pluck. The poor Jew was released by captain Smith, who now commands his majesty's ships on the coast of Scotland, and protected by him from the malice and avarice of the governor, with a spirit, that became a British officer, and the well known character of that worthy man, who not only possesses all the qualities requisite to form a brave and gallant officer, and a faithful subject, but adorns and beautifies them with all those amiable virtues, that flow from an exalted benevolence of soul. But, what is surprizing, and a great reproach to our nation, the poor Jew never obtained any satisfaction, at least, that I have heard of; tho' he complained to the privy council, and the thing was too notorious and flagrant to be denied. The present governor, general Hargrove, has even exceeded him just now hinted at, and is, perhaps, as great a tyrant as lives. Some stretches of his power came within my own knowledge, and go far beyond any thing, which a person born and bred in England, could conceive an English governor would attempt. But I shall wave mentioning particulars, as it would

be only tedious to you, and not answer the purpose of this letter, which is design'd only to point out such grievances, as may be remedied, and by being remedied, the public served; and never to descend to particulars, unless requisite to illustrate the argument.

The government of Gibraltar is altogether military. Upon complaint made against some former governors, I believe a civil magistrate with the title of chief justice of Gibraltar was appointed; but I never heard that he went there. When I was at that place, the governor was the only magistrate, and his will was the sole law by which he governed. I shall trouble you only with one instance out of many, of the exercise of his arbitrary power, because the mischiefs flowing from it, may easily, and ought immediately to be remedied. All communication with Gibraltar is prohibited by the Spaniards on pain of death; however, a secret trade is carried on, and the garrison might easily be supplied with fruits, greens, and fresh provision from thence, Barbary, and Portugal, at a very tolerable rate; but the governor will permit but one butcher in the garrison, who, for his licence and monopoly, is said to furnish the governor's table. Hence it is, that the importation of all live cattle, nay, even of a quarter of mutton

ton is prohibited to the officers themselves, without leave first obtained from his excellency, which, with regard to live cattle, is scarce ever granted to any but the butcher: and even a quarter of English mutton, tho' designed as a present to an officer, to whom it is a more acceptable one, than a haunch of the finest venison would be in England, has been frequently stoped, unless a joint was given to the governor. Nay, if by great favour he had given leave to any of the officers of the garrison to keep a cow, a goat, or a sow, he would then forbid them to kill any thing without first acquainting and obtaining his excellency's permission for it; and threatened to break an officer, and the chaplain of the garrison for disobedience of orders, because each of them had killed a sucking pig, without his knowledge and consent. So that whether thro' the avarice or neglect of the butcher, I have frequently known mutton so scarce, that, what our servants would not eat in England, was sold for a pistole a quarter; nay, once I knew a moidore a quarter given*.

* The reader will be pleased to remember, that this letter was wrote in the year 1748. The author has been informed, that the governors of Gibraltar have behaved with much more moderation since that time, than their predecessors.

You will wonder then, how the officers and soldiers can live upon their pay; but you are to know, that all the military, and indeed, all residing in that place in the government's service, have a certain allowance of salt provisions, bread, flour, and I think, cheese and butter, from the government. Fish is plenty and cheap enough, and wine not very dear. Indeed, the governor, to prevent the horrid crime of drunkenness, lays a small duty upon all imported wine, and a farther tax upon all taverns or suttlings houses, by which a considerable revenue is brought into his pocket; but tho' this be said to be done with a design to prevent drunkenness, it is really the cause of the crimes being encouraged to a shameful degree. Indeed, I would lay it down for a maxim, that no governor should ever be permitted to gain by the vice, intemperance, or folly of the people, lest, for a little immediate profit to himself, he should be tempted to sacrifice the cause of virtue and the public good, and connive at, and encourage practices, which he ought to restrain. Nay, we have seen one instance in our own country, where the mischief to the morals and health of the people was so flagrant, that a prohibition seemed absolutely necessary, as in the drinking of gin,

yet

yet because putting a stop to it, would, as it was supposed, lessen the public revenue for the present, the practice of it is shamefully permitted; tho' it is evident to a demonstration, that the true strength and riches of a nation consists in the number and health of the inhabitants, and whatever tends to lessen or impair either of them, as immoderate drinking of this accursed liquor certainly does, tends likewise to weaken the nation, and by a wise and judicious administration will always be prevented, as much as possible. But to return from this digression.

Gibraltar, as a frontier town, must be liable frequently to be under a military government; whenever a siege is begun, or even apprehended, the governor must have very great power lodged in his hands for the preservation of the place; he must have a power of removing all suspected and useless persons out of the place; of quartering his soldiers, where they may be most secure, or most in readiness to annoy the enemy; of pulling down those buildings that may be a shelter to the enemy. All this, a governor must have a power of doing, where the danger is great and imminent, and the good of the service requires it. But in time of peace, there is no reason why the inhabitants, who are
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not soldiers, nor at all dependant upon any branch of the military, may not be governed by British laws, and magistrates of their own choosing: supposing the persons elected and the electors to be British, or natives of Gibraltar, and protestants, and even allowing the governor to put his negative upon any suspected person that should be elected, without being obliged to give his reason why, to any person but the king, or such as he should appoint to receive it. This surely would be sufficient to prevent any faction or disobedience to the governor's just orders, and yet would be a great privilege to the inhabitants. And, if Gibraltar was declared a free port to all nations; and liberty given to bring in all provisions without any duty at all, and only a small duty upon all other commodities imported, except such, as too free an use of would be hurtful to the garrison, as spiritous liquors (and upon them, if not absolutely prohibited, yet the duty ought to be so great, as to prevent the poor from committing any excess with them) and the monies thus raised, and likewise from the rents of houses applied towards the payment of the garrison, Gibraltar would undoubtedly be soon one of the most considerable places for traffick in Europe;

rope, and almost able to defray the expences of keeping it.

But, if due care has not been taken for the security and improvement of Gibraltar, our neglect has been still greater with regard to Minorca, a place which has all the advantages that Gibraltar has, tho' in a much higher degree, and none of the disadvantages. As it is an Island at a distance from the continent, which has oftener than once changed its masters, the possession of it is not so invidious to the Spaniards; and our government might by proper means be made agreeable and habitual to the natives: and as we are masters at sea, the defence of it is more easy to us, as attacking it must be more difficult to our enemies. The harbour of Mahon is one of the finest in the world, capable to contain and protect all the royal navies in Europe; so that our fleets may winter there, clean and repair, without any danger or molestation; our men may refresh themselves, and be permitted to go ashore, without much hazard of their being able to run away, and our squadrons be ready at any time of the year to sail from thence to annoy the trade, or alarm the coasts of our enemies in those parts, without fear of intelligence being sent of their designs.

To

To secure and improve such a valuable acquisition, surely merited the greatest care of our ministers. Whether they have paid that regard to it, which its importance deserves, will appear, by what I shall lay before you.

Minorca is an Island in the Mediterranean, not very distant from the south coasts of France, east coasts of Spain, west coasts of Italy, and northern coasts of Barbary; situated in a fine climate, between 39 and 40 degrees of N. latitude. It is about 33 miles long, and between eight and twelve miles broad. The advantage of a place so situated with such an harbour, as has been mentioned, must appear at once. It makes us respectable to all the Italian states, and to those of Barbary; in a French or Spanish war, whether to annoy them or to protect our trade, it is inestimable, and every other nation in Europe, who have any trade in the Mediterranean, will feel the consequences of it, while it is in our possession, by having a sure asylum there, if they are our friends, and by the mischiefs our men of war and privateers from thence, can do them, if our enemies.

As Minorca is at such a distance from England, three things at first sight appear absolutely necessary for its security. Such fortifications as cannot easily be taken; a garri-
son

son sufficient to defend them, and well provided with all necessaries for its defence; and the inhabitants to be attached firmly to our interest, that in case of a sudden and unexpected attack, we may be sure of their assistance.

The only place of strength in the island is the castle of St. Philips, which is indeed very strong, and commands the entrance of the harbour of Mahon; but its works are so large, that I am assured by good judges, at least eight thousand men are requisite to man, and defend them sufficiently. Our troops in the island generally consist of five regiments, which if full, amount to no more than three thousand five hundred men, but are often short of complement, and, perhaps, very much so; so that if France or Spain should attack that place unexpectedly, and our fleet have a long passage before they go to Minorca, the island might be lost for want of men, and, if once lost, might be too difficult to be recovered, since the value of it is better known now, than it was before we were masters of it.

But opposite to St. Philips is Cape Mola, where I am well assured by the best judges, that at a small expence, a fortress might be rais'd, which would be almost impregnable, would have the same command of the harbour,

bour, as St. Philips has, might be defended by half the number, that the fortification of St. Philips require. Works have been begun there, but discontinued; why, I know not; but all judges, that ever I have conversed with, were unanimous in their opinion, that there is the most proper place for a fortress of any in the island. This, then, seems to be one capital error, to have such extensive works in a place so remote from England, and a garrison not sufficient to defend them, especially, when it would not be difficult to erect a stronger fortress, which the garrison usually maintained in the island, would be strong enough to defend.

To assist the garrison upon a sudden attack, it would be highly advantageous, to make the constant inhabitants of the island our firm friends. This might have been done, either by buying their property, and peopling the island with British and Irish, or uniting our interest, and that of the Minorquins firmly together. Both these ways were, I believe, practicable; but neither of them have ever been attempted.

The rent of the lands and houses of the island of Minorca is computed to be about 10,000 pounds a year. it could not be so much when we were first masters of the island; for under the benign administration

of the worthy governor Kane, the value of lands was almost doubled; but suppose that had really been the value of the lands, and twenty years purchase had been paid for them, which would have amounted to two hundred thousand pounds, most, if not all the proprietors would have freely consented, and the Island might have been peopled with British subjects, every man of whom would have been willing, in case of a sudden attack, to have assisted the garrison to defend the place. Nor would the government have lost their money; they would have found it a cheap purchase, as the lands were capable of great improvement; and tho' the first occupiers of them would merit, and expect some encouragement, yet in time both principal and interest might have been repaid, without any hardship to the inhabitants.

But, if this method was not thought proper, another way might certainly have been taken; and that was, to unite the Minorquins as closely to us as possible, and make their interest and inclinations the same, as ours.

To effect this a mild and easy administration is the first step to be taken. Tho' the governors of Minorca have not, as far as I could learn, exerted their power so tyrannically, as some at Coralter; yet still, I am
afraid,

afraid, some too just causes of complaint have been given. Many complaints are lodged against the late governour general A—r, and perhaps some are too true; but Spain is remarkable for suffering the governors, she sends abroad, to behave tyrannically, as France is the contrary; and I really believe our yoke, with all the faults of our governors, has been more easy to the Minorquins, than that of the Spaniards.

Minorca was happy under the administration of one governor, Mr. Kane. Tho' I had not the honour personally to know him, he being dead before I was at Minorca, yet the amiable character I heard of him from every body who knew him, made such an impression upon me, that the very mention of his name warms me. He was a lover of mankind, and a father to the people he governed, their interests, as far as was consistent with his duty to his king and country, were his. A parent could not more studiously promote the good of his family, then he did that of the Minorquins: He made a road from one end of the island to the other worthy of an old Roman. He tried every method, which prudence could suggest, and lenity permit, to rouse them from their indolence and sloth, and excite them to industry,
by

by which means he almost doubled (as I before observed) the value of the lands of the island. May his memory be for ever honoured, and his example followed by others of his station. But to shew that the governed are often guilty of discontent and faction, as well as the governors of tyranny and avarice, there were, as I have been informed, several complaints made even against Mr. Kane, which, when examined, were found to be either entirely groundless, or to redound very much to his honour, being occasioned by having, sometimes from his true sense of religion, put a stop to the pride, the folly, and superstition of the Minorquin clergy.

But men are much more sensible, of what they want, than what they enjoy. An easy administration therefore will not be sufficient to make the Minorquins our firm friends, while there is but little connection between us; and their interest in many things inconsistent with our government. The French, I am informed, encourage in their colonies in America, any connection or intimacies with the Indians; and, in my opinion, they act very prudently by so doing; for the conveniencies and ease, that attend a civil life, so much exceed those, that the Americans possess, that such connections will, by de-

grees, notwithstanding all the prejudices of education, naturally draw men over to the same way, and consequently make the Indians who have any connection with the French become likewise Frenchmen in time. We do not take this method in Minorca (nor indeed I believe any where else) and the Minorquins are to this day very little connected with us, any more than is absolutely unavoidable, and would to a man rise against us, were any troops to land in the island from Spain.

Our regiments never stay long in one place, but change their quarters every year. There are some reasons alledged, why troops in England should not stay long in one place; but they can have no weight here; and, as none of the quarters in Minorca are bad, it would serve many good purposes, if they were to continue in the same quarters as long as they staid in the Island; it would encourage the soldiers to industry, and the officers to purchase lands, and make improvements, by which they might have by degrees a considerable property in the Island, and facilitate an acquaintance with the natives, which would more and more reconcile them to us.

But nothing would unite them so effectually to us, as to bring them over to the protestant

testant religion ; this would make them enemies to all popish powers, and as much to be depended upon, as the inhabitants of Jersey and Guernsey. It may appear difficult to be done ; however I make no question, but it may be effected by degrees ; but providence often infatuates those, whom it is resolved to punish ; not the least step has been taken towards it, the revenues belonging to the bishop of Majorca, in whose diocese it is, have been appropriated to other uses, and too many apparent proofs have been given, that the English have no regard to religion at all. The English church at Ciudadella was sold by one governor to the Minorquins, the English chapel at Furnelles has shamefully been converted into a storehouse for liquors, &c. the five regiments have each a chaplain belonging to them, but I never knew more than one resident there. The Island has likewise a chaplain ; but for some years past it has been made a sine cure, so that there is only one minister to perform divine service to the five regiments, some of which are thirty miles distant. I leave you to judge therefore, whether he can perform his duty, as he ought, to the English, without having a moment to bestow upon the conversion of Minorquins. Indeed they are so prejudiced against us upon these accounts, that we may be sure of their

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being

being our enemies, not only if the Spaniards, but also, if any other popish power make a descent upon the Island.

You will blame the chaplains for not being with their regiments, and attending upon their duty. Undoubtedly they are to be blamed, and very much. But the case is this, the chaplainships are considered as a perquisite of the colonels; they sell them, and, in order to advance the price as much as possible, tell the purchasers, they need not be with their regiments; their absence shall be dispensed with; they need only pay a deputy, and the chaplain, who goes abroad, is deputy to the other four; the purchasers then consider them as sine cures, and calculate how much interest they shall have for their money, but never consider the duty that is incumbent upon them from their office.

In my opinion, both colonels and chaplains are to be blamed. I look upon all selling of places to be bad, but particularly so with regard to ecclesiastical preferments; where merit, and not money, should recommend, and a strict performance of duty should be always indispensibly required; but I must add, that it is in the power of the administration to force every person employed by the government, to attend upon his duty, and, if they do not, they also are blame-

blameable ; if the clergy are not willing to go, where their duty calls them, they should be commanded to go, or resign their post to others who will, and punished at least as severely for a neglect of it, as others would be.

Some however have said, that it would be impossible to bring the Minorquins over to the protestant religion, and that by treaty they are to be permitted the use of their own, and consequently cannot be forced. Was there no such treaty subsisting, I should be against using force which I am sure is contrary to the true spirit of the christian religion ; but, tho' I believe it would be difficult, I am far from thinking it impossible, and am sure it is worth attempting both in a religious and political view.

In order to this, it would be proper first of all to oblige the chaplain of the island, and the chaplain of every regiment there constantly to reside, and do duty ; the first, where the governor thinks most proper, and the others, where their respective regiments are. It would be proper likewise, that the public duties of religion should be performed with great solemnity, and all the officers and soldiers required to attend, and behave with decency ; the Minorquins should be invited to see our manner of pub-

lic worship, especially such of them, as understood the English language. Curiosity has great force; and as hitherto they have thought, that we had no religion, so, when they found, that we worshipped the same God, and the same Saviour, as they did, they would be better disposed to enquire into the differences between us and them, and their prejudices would insensibly lessen.

Then not only what revenues belong to the bishop of Majorca should be applied to this end, but also a thousand pounds a year more added; and with this let the bible, some of the best of our practical books and ablest writers against the church of Rome be translated into Spanish, and about 20 of our clergy, young men, and who had an aptness to learn and speak foreign languages, of good character both for morals and learning, and skillful in some other useful arts, besides divinity, such as physick, mathematicks, &c. be sent there under the direction of a bishop, one, who had studied men as well as books, and who was zealous for the glory of God and salvation of men, be dispersed about the island, but without any particular district or parish at first; and some of them teach school and the English language, others the sciences, and all of them the true christian religion; if any of them should be
guilty

guilty of immorality, to be punished in an exemplary manner, and upon a repetition of it, to be sent out of the island. They need not preach publickly, unless, where there were some protestant families; but their business, who did not teach school or the sciences, should be, to get acquainted with the natives, to insinuate themselves into their good opinion, by affability, a readiness to oblige and serve them, and by an exemplary life, and then to put into the way of the natives the bible, and such other books, as might by degrees open their eyes to the errors of the church of Rome, and reconcile them to ours.

It will be said perhaps, that the Romish clergy would not suffer their people to converse with ours, or to read any books, that should be given them. I know they would do all in their power to prevent it; but they could not absolutely do it; curiosity would prevail with many.

Besides many ways might be taken gradually to lessen the influence, that their clergy have over them. If a strict enquiry was made into the lives of their monks, I am confident it would turn out as much to their disadvantage, as it did to the monks of our country in the reign of Henry VIII. and would have the same effect upon the people

people in Minorca, as it had in England. Their parochial clergy are more strict and circumspect, but then all the parishes are in the gift of the crown, and, as they fall vacant, care might be taken to give the cures to such men, as were not averse to reformation, or at least to those, who were not capable of doing much hurt.

The number of the parochial clergy is but small in comparison of that of the monks, and if the monks were once rooted out of the island, as the patronage of the livings is in the crown, it would not be difficult in time to bring all the parochial clergy over to the interest of a reformation; and then I cannot see, that any treaty can bind us, to make the people continue in popish superstition and ignorance contrary to their inclinations.

Other methods likewise might be taken to hasten this good work; such as encouraging marriages between the English and them, and putting the children of such marriages entirely into the hands of protestants, * taking all minors, whose parents are dead into the protection of the crown, and making it death for any Romish clergyman to inter-

* By doing this in Scotland, the noble and powerful family of Gordon, and several others, have been brought over to the protestant religion.

meddle in the least in their education, forbidding any Minorquins children to be sent out of the island to be educated; if the monks are found guilty of such disorders, as will justify seizing upon their revenues, to give what tythes they are possessed of, for the maintenance of the protestant clergy, and the rest of their revenues * to erect good seminaries for education of youth and workhouses; putting both under the direction of the protestant clergy, but allowing the Papists to send their children to the schools, and their poor to the workhouses, if they please, without compelling them to renounce the popish religion; buying and encouraging to buy, any estates, that are to be sold, especially such, as are not much cultivated, and capable of improvement; forming the protestant inhabitants into a regular militia, and duely exercising them; but keeping the Papists under the same restriction, as to arms, that they now are; governing the protestants by English forms, and encouraging the use of the English language, as much as possible. If any Minorquin should embrace the protestant religion, to give him proper encouragement according to his rank and station; at least to take care, that any

* The great benefit of protestant schools has been proved by experience in Ireland.

disadvantages he may suffer for leaving his own party be amply compensated by our government.

Let me add, Sir, I would by all means encourage the protestant clergy there to marry. Desires, planted in us by nature, are not to be rooted out by us; they may be confined; but like a hidden fire, they will break out more fiercely in some irregular way, as is constantly the case in all Popish countries; consult the ends, for which providence implanted them, and follow them, and then every individual will be happy, and the community flourishing.

Thus, Sir, I have given you my thoughts upon the value of these two important places, and the ways to improve and secure them. Whatever difficulties may at first sight appear in following those methods, I am confident, they will be found very practicable, and let me add, successful, if heartily attempted.

I am,

Sir,

Your most humble servant.

F I N I S.

Three letters relating to the navy ...

London 1757

Brit. 348

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